

COUNCIL

WEDNESDAY, 27TH SEPTEMBER, 2017, 5.30 PM

SHIELD ROOM, CIVIC CENTRE, WEST PADDOCK, LEYLAND, PR25
1DH

AGENDA

- 1 Kings Royal Hussars - presentation ceremony to celebrate 25 years since being granted Freedom of the Borough**

Following the presentation there will be a short adjournment. The meeting will re-convene at 6.45pm.

- 2 Apologies for absence**
- 3 Minutes of the last meeting**
- 4 Declarations of Interest**

(Pages 5 - 8)

Members are requested to notify Democratic Services, by 4.00pm on the day of the meeting, of any items on the agenda in which they have an interest and the nature of the interest. They should do so by email to democraticservices@southribble.gov.uk.

Members are reminded that if the interest is a Disclosable Pecuniary Interest (as defined in the Members' Code of Conduct) they must leave the room for the whole of the item.

Where the interest is not a Disclosable Pecuniary Interest, but is such that a member of the public could reasonably regard it as being so significant that it is likely that it would prejudice a Member's judgment of the public interest (as explained in the Code of Conduct) then they may stay in the meeting to make representations, answer questions or give evidence relating to the item but then must withdraw from the meeting for the remainder of that item. Where such an interest is in an item to be discussed in exempt session, members are reminded that they must withdraw from the meeting for the whole of that item.

- 5 Mayor's Announcements**
- 6 Report of Cabinet and Committees**

6a	Cabinet - minutes of the meetings held on 27 July and 6 September 2017	(Pages 9 - 16)
6b	Scrutiny Committee - minutes of the meetings held on 25 July, 30 August and 6 September 2017	(Pages 17 - 26)
6c	Governance - minutes of the meeting held on 13 September 2017 to follow	
7	Review of Constitution	
7a	Contract Procedure Rules and Key Decisions Report of the Interim Monitoring Officer	(Pages 27 - 84)
7b	Council Terms of Reference and Members Report of the Interim Corporate Governance Manager	(Pages 85 - 100)
7c	General Licensing Committee and Licensing Act Committee Report of the Interim Corporate Governance Manager	(Pages 101 - 122)
8	Transformation Strategy 2017-18 Report of the Interim Corporate Improvement Manager attached.	(Pages 123 - 130)
9	Employment Skills Supplementary Planning Document Report of the Director of Development, Enterprise and Communities attached.	(Pages 131 - 166)
10	Notice of Motion	

Notice of the following motion has been submitted in accordance with standing order number 10(2). The motion is proposed by Councillor Ken Jones and seconded by Councillor Derek Forrest.

“Serious Air Pollution and heavy goods vehicle disturbance in Leyland

This Council congratulates the officers and leadership team for identifying a serious air quality problem in the Turpin Green and Golden Hill areas of Leyland. The boundaries of a new Air Quality Measurement Area are currently out for consultation (please see the Council’s website), but it is clear to ward councillors and residents that this is a long-standing problem that has become progressively worse over recent years

This Council believes the only effective solution to the problems of both illegal air quality and heavy goods vehicle disturbance is to divert heavy goods vehicles from portions of both these roads, which pre-date the industrial age and are totally unsuited to the volume of heavy traffic now using them.

One solution being considered is to create a connection between Centurion Way in Farington and Tomlinson Road in Leyland, and then use camera-enforced weight restrictions to divert heavy goods vehicles away from junction 28 of the M6 and towards junction 29.

Council commends this solution and urges officers to progress it as urgently as possible in conjunction with The Highways Authority and Lancashire County Council.

Proposed by Cllr. Ken Jones
Leyland St. Ambrose ward

Seconded by Derek Forrest
Leyland Central ward

12th September 2017”

The Council’s attention is drawn to standing order number 10(4), which deals with the disposal of motions.

11 Questions to the Leader

12 Questions to Members of the Cabinet

13 Questions to Chairmen of Committees and My Neighbourhood Areas

14 Questions to Member Champions and Representatives on Outside Bodies

15 Exclusion of Press and Public

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

16 Changes to Council's Management Structure

(Pages 167 - 234)

Report of the Chief Executive attached.

Heather McManus
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Council Councillors Michael Titherington (Mayor), John Rainsbury (Deputy Mayor), Jane Bell, Warren Bennett, David Bird, Renee Blow, Carol Chisholm, Colin Clark, Colin Coulton, Malcolm Donoghue, Bill Evans, Derek Forrest, Paul Foster, Mary Green, Michael Green, Claire Hamilton, Harry Hancock, Jon Hesketh, Mick Higgins, David Howarth, Cliff Hughes, Ken Jones, Susan Jones, James Marsh, Keith Martin, Elizabeth Mawson, Caroline Moon, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Rebecca Noblet, Alan Ogilvie, James Patten, Margaret Smith, Phil Smith, Susan Snape, David Suthers, Caleb Tomlinson, Matthew Tomlinson, Karen Walton, Graham Walton, Ian Watkinson, David Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge, Linda Woollard and Barrie Yates

The minutes of this meeting will be available on the internet at www.southribble.gov.uk

Forthcoming Meetings

6.00 pm Wednesday, 22 November 2017 - Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH

SOUTH RIBBLE BOROUGH COUNCIL

Council

Meeting held at 6.00pm on Wednesday, 19 July 2017 in Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH

Present:

Councillor Titherington (Mayor) (in the chair)

Councillors Jane Bell, Warren Bennett, David Bird, Renee Blow, Colin Clark, Colin Coulton, Malcolm Donoghue, Bill Evans, Derek Forrest, Paul Foster, Mary Green, Michael Green, Claire Hamilton, Harry Hancock, Jon Hesketh, Mick Higgins, David Howarth, Cliff Hughes, Ken Jones, Sue Jones, Jim Marsh, Keith Martin, Elizabeth Mawson, Jacqui Mort, Peter Mullineaux, Barbara Nathan, Mike Nathan, Mike Nelson, Rebecca Noblet, Alan Ogilvie, Jim Patten, John Rainsbury, Margaret Smith, Phil Smith, Susan Snape, Caleb Tomlinson, Graham Walton, Karen Walton, Ian Watkinson, Dave Watts, Paul Wharton, Jonathan Woodcock, David Wooldridge, Linda Woollard and Barrie Yates

In Attendance:

The Chief Executive (Heather McManus), the Legal Services Manager (David Whelan) and Senior Democratic Services Officer (Andy Houlker)

Public Attendance: 7**Other Officers: 3****17. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Carol Chisholm, Caroline Moon, David Suthers and Matthew Tomlinson.

18. Declarations of Interest

None.

19. Minutes

Resolved: that the minutes of the meeting of the Council held on 24 May 2017 be approved as a correct record.

20. Mayor's Announcements

The Mayor provided an update on events recently attended and forthcoming engagements.

21. Report of Cabinet

The Leader presented the report of the Cabinet for the meeting held on 21 June 2017. In doing so he referred to an error in Item 10 in that resolution (4) should be subject to confirmation by council. This resolution would now be withdrawn and re-considered by the Cabinet. This was seconded.

Members of the opposition raised concerns and sought clarification and received responses on aspects of the new charging policy for the collection of green waste and that for replacement waste/recycling containers. If members wanted fuller replies to their questions they were asked to put them in writing.

Responding to comments about the publication of next week's Cabinet agenda, in particular leisure, the Leader confirmed that the council was well aware how important this matter was and all members had been provided with information and had had an offer to give their input. In line with deadlines, this agenda would be published today.

In respect of the Homelessness Strategy, this was commended and appreciation was expressed to the council's officers.

Questions were asked regarding the introduction of domestic charges for rat and mice treatments and it was explained that this was part of the council's business transformation programme towards achieving efficiency savings of £150,000.

In response to concerns it was confirmed there were no plans to introduce car parking charges on the Moss Side Playing Field Car Park.

Regarding the Strategic Review of Property and Assets – Investment Framework there was a discussion and some concerns raised around resolution 10(4) and whether or not this should also be considered by the Governance Committee as part of the referral back for re-consideration by Cabinet. It was confirmed that the sub-group in 10(2) would consist of the Leader and three other members of the Cabinet.

Some members indicated that they wanted to discuss Land at Lostock Hall – Sherdley Road Industrial Estate. This was an exempt item and needed to be discussed in private at the end of the meeting.

Resolved: that the report be noted and that decision 10(4) in the report be referred back for re-consideration by Cabinet.

22. Report of the Scrutiny Committee

In the absence of the Chair, Councillor Coulton (Vice-chair) presented the report of the meeting of the Scrutiny Committee held on 22 June 2017. The report was seconded.

23. Report of the Governance Committee

Councillor Ogilvie (Chair) presented the report of the meeting of the Governance Committee held on 28 June 2017. This included recommended changes to the council's Constitution for confirmation at this meeting (Appendices A, B, C and D to the report). The report was seconded.

Resolved: that the council's Constitution be amended in line with Appendices A, B, C and D to the report.

24. Membership of Committees 2017/18

Following a change in political membership, the Leader presented changes to the membership of committees as set out in Appendix A of the report. In addition he requested that Councillor David Bird be replaced on the Scrutiny Committee by Councillor Barbara Nathan.

Resolved: that the membership of committees for the remainder of 2017/18 be amended as set out in Appendix A of the report and that Councillor David Bird be replaced on the Scrutiny Committee by Councillor Barbara Nathan.

25. Questions to the Leader

The Leader received and responded to a question regarding the City Deal Executive and the possibility of a permanent memorial in Leyland following the attack in Manchester.

26. Questions to Members of the Cabinet

Finance

The Cabinet member responded to a question regarding the introduction of charging for green waste and what consideration of other options took place. A written response would be provided.

Public Health, Safety and Wellbeing

Responding to a question on air quality, the Cabinet member confirmed the information was scheduled to be on CouncillorConnect and for public consumption, she would also write to all councillors.

Strategic Planning and Housing

The Cabinet member responded to members' enquiries about the re-opening of Midge Hall Railway Station, the council's consideration of planning applications for the four strategic sites and the planning conditions relating to an application in Penwortham. He also responded to the written question included on the agenda sheet from a member of the public – he stated that the issues raised were part of an on-going planning application and would be processed as that progressed.

27. Questions to Chairmen of Committees and My Neighbourhood Areas

There was a question to the Chair of the Eastern Neighbourhood Forum relating to attendance by members of the opposition.

28. Questions to Member Champions and Representatives on outside Bodies

Councillor Ogilvie (Armed Forces Champion) provided an update on the Veteran's Café.

29. Exclusion of Press and Public

Further to min. no. 21 above, the press and public be excluded from the meeting during the consideration of the following item of business. As it involved the discussion of information which was defined as exempt from publication paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information) of Part I of Schedule 12A of the Local Government Act 1972 and in which case the public interest in maintaining the exemption outweighs the public interest in disclosing it.

30. Land at Lostock Hall – Sherdley Road Industrial Estate

The outcome of negotiations relating to this site was discussed. Also, clarification was sought on when such matters were or were not subject to confirmation by council.

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SOUTH RIBBLE BOROUGH COUNCIL**Cabinet**

Meeting held at 5.00pm on Thursday 27 July 2017 in the Shield Room, Civic Centre, West Paddock, Leyland PR25 1DH

Present:-

Councillor Peter Mullineaux (Leader of the Council) (in the chair)

Councillors Cliff Hughes (Strategic Planning & Housing), Jacqui Mort (Public Health, Safety and Wellbeing), Phil Smith (Regeneration & Leisure), Susan Snape (Finance) and Graham Walton (Neighbourhoods and Street Scene)

In Attendance:-

Mark Gaffney (Director of Neighbourhoods, Environmental Health & Assets), David Whelan (Legal Services Manager/Interim Monitoring Officer) and Andy Houliker (Senior Democratic Services Officer)

Also in Attendance:-

Peter Haywood (Revenues Manager), Denise Johnson (Director of Development, Enterprise & Communities) and Joanne Platt (Interim Corporate Improvement Manager)

Public Attendance: - 0

Other Members and Officers: - Councillors Jane Bell, David Bird, Bill Evans, Derek Forrest, Paul Foster, Mary Green, Michael Green, Jon Hesketh, Sue Jones, Keith Martin, Barbara Nathan, Mike Nathan, Mick Titherington, Matthew Tomlinson and Karen Walton and 3 officers

17. Apologies for Absence

None.

18. Minutes

RESOLVED (UNANIMOUSLY): That subject to the amendment of min. no.13 resolution (4) to replace the words 'Delegated authority granted' ... with 'Council be recommended to grant authority' ..., the minutes of the Cabinet meeting held on 21 June 2017 be approved as a correct record.

19. Declarations of Interest

None.

20. Business Rates Re-Valuation Discretionary Relief Policy

The Director of Development, Enterprise & Communities and the Revenues Manager addressed the Cabinet with a report that sought approval to implement three business rate relief schemes for rate payers following revaluation of rateable values in April 2017.

Two were central government schemes and the third was discretionary. In respect of the latter Discretionary Local Relief Scheme there was sufficient grant funding for 2017/18. However, this funding would reduce annually and the council would review this scheme after the initial year.

It was confirmed that this item came within the Corporate Support and Assets portfolio. Although following the appointment of the new Chief Executive the Leader may review the portfolios.

RESOLVED (UNANIMOUSLY):

1. Approve the Discretionary Local Relief Scheme for 2017-18;
2. Approve delegation to the Director of Development, Enterprise & Communities to design a scheme for subsequent years to 2020-21 in consultation with the Cabinet member for Corporate Support and Assets and the Chief Finance Officer; and
3. Approve delegation to the Revenues Manager following consultation with the Cabinet member for Corporate Support and Assets and the Chief Finance Officer to consider individual applications for relief from ratepayers who are suffering hardship caused by the re-valuation.

21. Proposal for a Borough Wide Leisure Health and Wellbeing Campus Approach

The Director of Development, Enterprise & Communities remained and present the report. The council's Corporate Plan 2017/18 included actions to complete a review of leisure by March 2018. This report proposed the ambitious way forward with the development of borough-wide leisure campuses (focused around leisure centres). Discussions were being held with partners and included health and wellbeing.

There were comments from members not on Cabinet on the apparent change in direction of the review from the vision around Heatherleigh and the associated processes followed and costs incurred.

In respect of the attached plan, it was confirmed that this was a diagrammatic conceptual view of what it could look like.

It was accepted that this was an important decision needing cross party involvement and the sooner the working group was set up the better. It was envisaged the working group would be chaired by the portfolio holder and work to clear terms of reference reporting back to Cabinet.

RESOLVED (UNANIMOUSLY):

1. That a Member Cross Party Working Group is established; and
2. That a further report be presented to Cabinet in December 2017 detailing the findings with recommendations and a resource plan.

22. Transformation Strategy 2017/18

The Interim Corporate Improvement Manager addressed Cabinet explaining that the council faced significant financial challenges and the Strategy aimed to enable it to be financially self-sufficient by 2019/2020. In addition to efficiencies and adapting services there would also be developing staff to enable them to serve communities and customers the best they could. The report included a proposal to create a Transformation Fund which subject to meeting the criteria transformation projects could apply to.

The strategy had earlier in the week been considered by the Scrutiny Committee and its recommendations had been circulated before tonight's meeting. These were acknowledged as positive and constructive and would be taken into account (particularly regarding the use of plain English) when finalising the strategy.

RESOLVED (UNANIMOUSLY):

1. Approval of the council's Transformation Strategy for 2017-18; and
2. Recommends to council the use of council financial reserves to establish a Transformation Fund of £500,000.

23. Improvement of West Side of Withy Grove Park, Bamber Bridge – Part 1 (Open Report)

The Leader explained that there were two versions of this report, the first (this one) was open to the public. The second (Part 2) report later on the agenda contained more information for councillors such as the names of the tenderers and was exempt from press and public. If any councillor had wanted to discuss any exempt information contained in the second report then the Cabinet would have resolved to exclude press and public.

The Director of Neighbourhoods, Environmental Health & Assets presented the report on proposed substantial improvement works to this park. This would significantly enhance the facility for the benefit of residents and raise the standard of the park to the Green Flag Award. Cabinet was asked to approve the capital expenditure and accept the most economically advantageous tender.

The park was very well used by both residents and public from outside the borough and the works would greatly improve its facilities. It was hoped that next year this park would become the fourth park in the borough to have Green Flag status.

It was appreciated that the Cabinet had brought this proposal forward. In respect of the additional works (£66,103) it was confirmed that this would be in line with the council's procedure rules.

RESOLVED (UNANIMOUSLY):

1. That Tender 4 in Table A, Part 2 of the report at a cost of £183,897 be accepted for the improvement of Withy Grove Park;
2. That the remaining budget of £66,103 be utilised for the remainder of the works as detailed in the financial implications of the report; and
3. Grant authority under section 3.4 of the Financial Regulations to incur capital expenditure of up to £250,000 for the above works.

24. CABINET FORWARD PLAN

RESOLVED (UNANIMOUSLY): That the Forward Plan submitted under Section 22 of the Local Government Act 2000 be noted.

25. EXCLUSION OF PRESS AND PUBLIC

Not required as the consideration of the **Improvement of West Side of Withy Grove Park, Bamber Bridge** was contained to the Part 1 (Open Report), min. no.23 above refers.

26. Improvement of West Side of Withy Grove Park, Bamber Bridge – Part 2 (Exempt Report)

This report was not considered as the discussion was contained to the Part 1 (Open Report), min. no.23 above refers.

..... Chair

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MINUTES OF CABINET

MEETING DATE **Wednesday, 6 September 2017**

MEMBERS PRESENT: Councillors Peter Mullineaux (Chair), Colin Clark (Vice-Chair), Cliff Hughes, Jacqui Mort, Phil Smith and Graham Walton

OFFICERS: Heather McManus (Chief Executive), Mark Gaffney (Director of Neighbourhoods, Environmental Health and Assets), Denise Johnson (Director of Development, Enterprise and Communities), Susan Guinness (Head Of Shared Financial Services), Dave Whelan (Legal Services Manager/Monitoring Officer) and Dave Lee (Democratic Services Officer)

OTHER MEMBERS: Councillor Warren Bennett, Councillor Colin Coulton, Councillor William Evans, Councillor Derek Forrest, Councillor Paul Foster (Leader of the Opposition), Councillor Mary Green, Councillor Keith Martin, Councillor Caroline Moon, Councillor Barbara Nathan, Councillor Michael Nathan, Councillor Alan Ogilvie, Councillor Matthew Tomlinson, Councillor Karen Walton and Councillor Linda Woollard

PUBLIC: 3

27 Apologies for Absence

An apology for absence was submitted from Councillor Susan Snape (Finance).

28 Minutes of the Last Meeting

RESOLVED (UNANIMOUSLY): that the minutes of the meeting held on 27 July 2017 be approved as a correct record.

29 Declarations of Interest

The Director of Neighbourhoods, Asset Management and Environmental Health, the Director of Development, Enterprise and Communities, the Head of Shared Financial Services and the Legal Services Manager declared prejudicial interests in the Management Structure for Consultation item and indicated that they would leave the meeting during the discussion and voting thereon.

30 Management Structure for Consultation

(The Director of Neighbourhoods, Asset Management and Environmental Health, the Director of Development, Enterprise and Communities, the Head of Shared Financial Services and the Legal Services Manager declared prejudicial interests in this item as they were directly affected by the Senior Management Restructure, and left the meeting during the consideration thereof. Another Senior Officer (in the audience) that was directly affected by this also withdrew from the meeting.)

The Chief Executive addressed Cabinet explaining that as Head of Paid Service the council required her to put in place a management structure that would deliver to the corporate agenda set by Council. This agenda was detailed in the Council's Corporate Plan and Medium Term Financial Strategy.

The Council experienced a period of instability which impacted on staff morale and the Council's ability to govern. As agreed in the Transformational Strategy this journey started in 2017-18, by putting in place the building blocks necessary to achieve this shift in focus. This would include transforming services, finding ways to generate income to replace Government Grant, maintaining a skilled, healthy and motivated workforce and Council and having a robust and effective decision-making framework to support new ways of working.

The Chief Executive (Head of Paid Services) was now sharing thinking as illustrated in the appendices (formal consultation document) to the report for the wider views of members/officers and to allow her the opportunity to address any concerns. The consultation would close on 7 September 2017.

The Chief Executive (Head of Paid Service) responded to questions and comments from the Cabinet, members in the audience and the public.

The Chief Executive (Head of Paid Services) explained the roles/responsibilities of Statutory Officers, the Council's vision for shared services with Chorley Borough Council and the anticipated cost savings from the senior management restructure.

The Cabinet noted that this matter had been considered by the Scrutiny Committee held on 30 August 2017 and that the committee would be formalising its response to the Management Re-structure Consultation Document at the rising of this Cabinet meeting.

The Cabinet welcomed the consultation process and commented that reference should be made to "growth and opportunity" in recommendation 1.

RESOLVED (UNANIMOUSLY): that the following key themes and actions captured be supported:

1. To create a culture of continual improvement, growth and opportunity, a place where staff feel supported and proud to work.
2. To broaden and deepen the shared service relationship with Chorley Borough Council that serve two independent and sovereign councils.
3. To work in the spirit of the featured operating principles.
4. To present views on the append proposals in writing to the Head of Paid Services by 7 September 2017.
5. To recommend that the Head of Paid Services presents a Chief Officer (Leadership and Management) structure to Full Council for decision on 27 September 2017 (via Shared Service Committee as appropriate).

31 Communicating with Residents and Businesses

The Chief Executive presented the report.

With the next edition of Forward being due in early autumn, it was suggested that a cross party member working group was established to review all the options and to

make recommendations to Cabinet on the best way to communicate with residents and businesses in the future.

RESOLVED (UNANIMOUSLY): that a cross party member working group be established to review the way the Council should communicate with residents and businesses in the borough in the future as outlined in Appendix 1 to the report.

32 Statement of intent for Energy Company Obligation (ECO) Flexible Eligibility

The Cabinet considered a report on a scheme to assist some of the most vulnerable households in the borough in energy efficiency and reducing energy bills.

RESOLVED (UNANIMOUSLY): that consideration of the matter be deferred until the next scheduled meeting of Cabinet on 25 October 2017 to allow officers to provide further details and to explore other available options.

33 Cabinet Forward Plan

RESOLVED (UNANIMOUSLY): that the Forward Plan submitted under Section 22 of the Local Government Act 2000 be noted.

34 Worden Park Toilet Provision

The Cabinet considered a report to commit capital expenditure and accept the most economically advantageous tender for the proposed installation of new toilet facilities on Worden Park, Leyland.

RESOLVED (UNANIMOUSLY): that consideration of the matter be deferred until further options are explored within the framework of the current budget process of the Corporate Plan.

35 Exclusion of Press and Public

Not required as the consideration of the **Worden Park Toilet Provision** was contained to the Part 1 (Open Report), min. no. 34 above refers.

36 Worden Park Toilet Provision

This report was not considered as the discussion was contained to the Part 1 (Open Report), min. no. 34 above refers.

Chair

Date

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SCRUTINY COMMITTEE

TUESDAY 25 JULY 2017

Present: Councillors Matthew Tomlinson (Chair), Carol Chisholm, Michael Green, David Howarth, Susan Jones, Keith Martin, Barbara Nathan, Karen Walton, Ian Watkinson and Linda Woollard

In Attendance: Councillor Colin Clark – Cabinet Member for Corporate Support and Assets, Joanne Platt (Interim Corporate Improvement Officer), Darren Cranshaw (Scrutiny and Performance Officer) and Dianne Scambler (Democratic Services Officer)

Public Attendance: None

Officers: 2

Other Members: Councillors Jacqui Mort, Susan Snape and Graham Walton

1. Welcome

The Chair welcomed Councillors David Howarth and Barbara Nathan who were attending their first meeting.

2. Apologies for Absence

An apology for absence was received from Councillor Colin Coulton.

3. Minutes of the Last Meeting

The minutes of the Scrutiny Committee meeting held on 22 June were confirmed as a correct record for signing by the Chair.

4. Declarations of Interest

No declarations of interests were declared.

5. Transformation Strategy 2017/18

The Chair welcomed Councillor Colin Clark, Cabinet Member for Corporate Support and Assets who was attending the meeting along with Joanne Platt, Interim Corporate Improvement Manager to present the Council's Transformation Strategy 2017-18. The Committee welcomed the Strategy being presented to Scrutiny prior to its consideration by Cabinet on 27 July for approval, but made a plea for future reports to be written in plain English to help promote a greater understanding of what the Strategy is aiming to achieve.

The Business Transformation Strategy and the Organisational Development Strategy had been merged into the one document as the two strategies were closely aligned. It was important that Council staff possessed the skills and capacity needed to drive through the transformation of the Council. The Member Development Champions, Councillors Jane Bell and Susan Snape supported this approach. Once the Strategy was agreed the Council would consult with stakeholders on its implementation.

As the adoption of new business models may require some upfront investment to allow the Council to act more quickly, a Transformation Fund was being requested for £500,000 from existing financial reserves. Bids to the funds will be dependent on the submission of a robust business case showing the return of investment over a period of no more than three years and a proportion of the savings achieved would be recycled into further investment projects.

Facing significant budgetary challenges, the Council needs to become financially self-sufficient by 2019-20 and the Medium Term Financial Strategy (MTFS) for 2017-20 sets out a target to achieve £300,000 efficiencies from business transformation by 2018, with a further reduction of £200,000 by April 2019. Although specific targets, it was accepted by the Council that the systems and processes needed had not yet been developed, the savings targeted for this year would be met from reserves. In response to members concerns, it was explained that these targets would be reviewed regularly and it was anticipated that they would be exceeded in subsequent years.

It is intended to hold a number of workshops in October to identify where savings can be made and all Core Managers have been asked to look at different ways of generating sustainable income across their service areas. The Committee noted the commitment to bring forward proposals for the Banqueting Suite and Worden Arts Centre to be utilised more by its residents that would in turn generate revenue for the Council.

The Chair commented on how important it was for members to engage in the transformation process and asked for the implications of the Strategy to be communicated more effectively to stress the importance of the strategy's success. Online interactive services are undoubtedly the way forward and the Council is required to make best use of all social media.

The Committee welcomed the proposals for a more holistic approach to Organisational Development across the Council by ensuring that all officers and Councillors undertake the same training and agreed for Group Leaders to help drive this change through for members. Although many of the current Senior Management Team posts were Interim, this resource would only remain in place until a more permanent management structure was in place.

The Cabinet was confident that the current values of the authority; teamwork, integrity, learning organisation, positive attitude and excellence are embedded within the organisation and still relevant to its workforce. This was evidenced recently at the Chief Executive workshops. It was felt that these values could be retained and improved upon to help reshape the culture of the organisation and the Council will look to developing 'the South Ribble Way'. The Council will strive to be the Best Council, working cohesively towards the delivery of a single vision and priorities and five transformational aims have been identified.

Actions contained against each of the projects listed within the Transformation Strategy will be monitored against SMARTer (specific, measurable, achievable, and realistic, time bound) performance measures to ensure their delivery within the required timeframes and measurable Key Performance Indicators (KPI's) have also been identified that will monitor its success, along with staff surveys, sickness absence figures and job application statistics. The Council would look to obtaining relevant awards that

will be identified from the onset and evidence collated when going through the process to avoid additional resources when applying.

The Chair thanked Councillor Colin Clark and Joanne Platt for attending the meeting and asked that they be kept informed of progress made.

RESOLVED:

- 1. Scrutiny Committee welcomes the Strategy being presented to Scrutiny Committee prior to consideration by Cabinet.**
- 2. Asks that future reports are written in plain English to promote greater understanding of what the Strategy is aiming to achieve.**
- 3. Looks forward to consultation taking place with stakeholders on implementing the Transformation Strategy.**
- 4. Expresses concern at the delay and pace of narrowing the budget deficit but accepts that plans are in place to reduce this deficit and are pleased to note the confidence shown that targets will be achieved.**
- 5. Welcomes the commitment to bring forward proposals for the Banqueting Suite and Worden Arts Centre to be utilised more and generate revenue for the Council.**
- 6. Consideration be given to SMARTer (specific, measureable, achievable, realistic, timebound) performance measures for monitoring the success of the Strategy.**
- 7. That the implications of the Strategy be communicated to all Members of the Council to press upon the importance of the strategy's success.**
- 8. A progress report be presented to the Committee in six months' time.**
- 9. Suggested word changes to the Strategy as follows:**
 - Aim 1 – add Reward**
 - Aim 2 – add Resilient and Flexible**

6. Staff Matters

a) Scrutiny Task Group – Staff Morale

The membership of the Task Group was confirmed as:

Councillor Matthew Tomlinson (Chair)
Councillor Colin Coulton
Councillor Keith Martin
Councillor Karen Walton

A report on the findings and recommendations would be brought to the next Scrutiny Committee meeting in August.

b) Cabinet Forward Plan

The Committee noted the Cabinet Forward Plan.

The Chair identified the Leisure Review and Review of Fees and Charges as items that the Committee may be interested in looking at in future.

7. Lancashire County Council Health Scrutiny Committee – 24 July 2017

The Chair encouraged the Committee to read a report on the Lancashire Trust Hospital Foundation Trust – Recruitment and Retention and Mobilisation of Chorley and South Ribble Emergency Department and Urgent Care Centre that had been considered by the Health Scrutiny Committee at Lancashire County Council.

8. Joint Strategic Needs Assessment Workshop – 12 July 2017

Councillor Martin reported that he and Councillor Titherington had attended the workshop on the JSNA and encouraged scrutiny members to look at the assessment for South Ribble.

9. North West Employers Scrutiny Network

Councillor Titherington provided feedback on the Regional Network he chaired on 6 July. A report from Oldham Council on Commercialisation had recently been circulated to all Members of the Scrutiny Committee. Given the item considered at the meeting, Councillor Titherington asked all Members to look at the document.

The next meeting of the North West Employers Scrutiny Network was in November. The date would be circulated to all members and the Committee were encouraged to attend.

MINUTES OF SCRUTINY COMMITTEE

MEETING DATE Wednesday, 30 August 2017

MEMBERS PRESENT: Councillors Matthew Tomlinson (Chair), Colin Coulton (Vice-Chair), Carol Chisholm, Michael Green, David Howarth, Susan Jones, Keith Martin, Barbara Nathan, Michael Titherington, Karen Walton and Ian Watkinson

CABINET MEMBERS: Councillor Peter Mullineaux (Leader), Councillor Colin Clark (Deputy Leader and Cabinet Member for Corporate Support and Assets), Councillor Phil Smith (Cabinet Member for Regeneration and Leisure), Councillor Graham Walton (Cabinet Member for Neighbourhoods and Streetscene), Councillor Mary Green and Councillor Paul Foster (Leader of the Opposition)

OFFICERS: Heather McManus (Chief Executive), Kerry Maguire (Senior Risk and Insurance Officer), Darren Cranshaw (Scrutiny & Performance Manager) and Dianne Scambler (Democratic and Member Services Officer)

OTHER MEMBERS: Councillor Mary Green and Paul Foster (Leader of the Opposition)

PUBLIC: 1

10 Apologies for Absence

Councillor Linda Woollard submitted her apologies.

11 Minutes of the Last Meeting

The minutes of the Scrutiny Committee meeting held on 25 July 2017 were confirmed as a correct record for signing by the Chair.

12 Declarations of Interest

Item 5: Darren Cranshaw, Scrutiny and Performance Manager left the room as he is directly affected by the Senior Management Restructure.

13 Matters arising from Previous Meetings

Members received an update of the progress made against matters arising from all previous meetings. It was agreed to remove all items from the Matters Arising sheet with the exception of:

1. Acquisition of land at Wesley Street Mill.

2. Bringing forward proposals for the Banqueting Suites and Worden Arts and Crafts Centre.

The Committee asked that robust updates be provided to the next scheduled meeting of the Committee.

14 Management Restructure Consultation

The Committee welcomed the Chief Executive, Heather McManus who was attending the meeting to talk about her proposals for the new Senior Management Restructure for the authority that would ensure that it is fit for purpose, delivers Members priorities and also broaden and deepen the shared services arrangement with Chorley Council.

The Chair of the Committee stated that this meeting was to allow members to ask questions of the Chief Executive that would help them to gain a greater understanding of the thought processes behind the two proposals. An additional meeting the Committee was scheduled to take place on the rise of Cabinet next week to collate a formal response to the consultation.

The Chief Executive explained that as Head of Paid Service, the Council had employed her to put in place a management structure that would deliver the corporate agenda set by the Council. This agenda is detailed in the Councils Corporate Plan and Medium Term Financial Strategy. The organisation wants growth, sustainability and improved governance and it was felt that this could only be achieved by the implementation of a more robust and resilient Senior Management team to drive through change across the Council.

Ahead of the proposals, extensive consultation has been undertaken with staff and a number of key themes identified that included, the restructuring of the Senior Management Team and Core Managers, improved leadership capability, development opportunities, the ability for cross working across the authority, along with improved decision making, communications and staff morale. The proposals aim to address this feedback along with repositioning the regeneration and growth agenda, exploring further shared arrangements with Chorley Council and the delivery of a sustainable leadership model that would strengthen the Statutory Officers contribution.

The proposed structures will also generate significant savings amounting to between £500,000-600,000 that would be realised in little over a year.

In response to concerns of members both on Committee and in the audience, the Chief Executive explained her justification for the proposed sharing arrangements of the statutory roles of the Section 151 and Monitoring Officer's with Chorley and gave assurances that the authority would have full time dedicated statutory officers on site.

The Committee also had concerns about the security function being absorbed into the Democratic Services team, favouring the existing arrangements of their dedicated senior officer support. It was explained that the new proposed arrangements would provide additional support to the scrutiny function in the form of a Democratic Services Officer lead in addition to involvement by senior managers who could provide the relevant technical guidance when needed.

Members asked how staff would be supported throughout the process, particularly those officers who would be unsuccessful in obtaining a role in the new structure and asked about the authority's appointment and redundancies policies. Specialist advisors had been brought in to liaise with those staff affected to offer advice and support throughout the job application and interviewing process and successful staff would have the same terms and conditions as at present, with no plans at this stage to amalgamate this aspect of the shared arrangements. A robust recruitment process was needed to ensure that all staff appointed have the necessary skills in place to step up to the challenging agenda.

Once the new Senior Management structure is in place, the transformation programme will trigger restructures across the authority and it was anticipated that this would take around 18 months to complete. The aim is to have the full Senior Management structure in place by 31 March 2018.

Members were asked to consider all the information provided with a view to formulating a full response to the consultation at their next meeting on 6 September.

RESOLVED – That the information be noted.

15 Scrutiny Review of Licensing Action Plan Update

The Leader submitted his apologies as he had to leave the meeting on a personal matter. The Chief Executive stayed for this item.

Councillor Mick Titherington who had chaired the review commented that it was pleasing to see that the vast majority of the recommendations made by scrutiny on the review of licensing had been completed. Members asked for better wording to be used in future to denote progress made and asked for better and improved use of the RAG rating system. The Committee commended all officers that had been involved for their continued hard work.

RESOLVED – That the report be noted.

16 Scrutiny Review of Flooding: Final Progress Report

The Committee welcomed Councillor Colin Clark, cabinet Member for Corporate Support and Assets who was attending the meeting along with Kerry Maguire, Senior Risk and Insurance Officer to present the final progress report on the scrutiny review of flooding.

Members were pleased to note that all the recommendations made by the Scrutiny Task Group that had been accepted by Cabinet in December 2016 had now been implemented and the authority were confident that the measures put in place were robust to ensure an effective response to any future incident. All relevant officers had undertaken appropriate training and a call-out rota introduced at Director level.

The Committee were informed that a Lancashire wide campaign 'Get ready for winter' was due to be launched shortly that would help people make the necessary preparations to combat bad weather, including the risk of flooding and that all Emergency Planning Officers from the relevant authorities and blue light organisations met on an annual basis to ensure that their plans were fit for purpose.

Although not a statutory responsibility of the Council, the Cabinet Member reiterated that the authority did have a duty of care to its residents in such situations and as a consequence of the review undertaken by scrutiny following the flooding in December 2015, the Council now had improved procedures in place. All Elected Members could contribute by effectively communicating with the local community and the administration welcomed the involvement of Scrutiny in such situations.

RESOLVED – That the report be noted.

17 Scrutiny Matters

17a Staff Morale Review

Members were provided with a draft final report of the review for their consideration before its approval at their next meeting. The Chair thanked those Members that had given their time to the review.

17 Lancashire County Council Health Scrutiny Committee

b

The next meeting is on 19 September 2017.

17c Scrutiny Committee Forward Plan

A workshop is currently being arranged to develop the Forward Plan and Work Programme for the remainder of 2017/18.

17 Cabinet Forward Plan

d

The Committee noted the Forward Plan. The Chair identified the Leisure Review and Review of Fees and Charges as items of interest for the Committee in future meetings.

Chair

Date

MINUTES OF SCRUTINY COMMITTEE

MEETING DATE Wednesday, 6 September 2017

MEMBERS PRESENT: Councillors Matthew Tomlinson (Chair), Colin Coulton (Vice-Chair), Michael Green, Keith Martin, Barbara Nathan, Karen Walton, Ian Watkinson and Linda Woollard

CABINET MEMBERS: Councillor Colin Clark (Deputy Leader and Cabinet Member for Corporate Support and Assets), Councillor Clifford Hughes MBE (Cabinet Member for Strategic Planning and Housing), Councillor Jacqueline Mort (Cabinet Member for Public Health, Safety and Wellbeing), Councillor Phil Smith (Cabinet Member for Regeneration and Leisure) and Councillor Graham Walton (Cabinet Member for Neighbourhoods and Streetscene)

OFFICERS: Darren Cranshaw (Scrutiny & Performance Manager) and Dave Lee (Democratic Services Officer)

OTHER MEMBERS: Councillor Warren Bennett, Councillor Paul Foster (Leader of the Opposition), Councillor Mary Green, Councillor Caroline Moon, Councillor Michael Nathan and Councillor Alan Ogilvie

PUBLIC: 1

18 Apologies for Absence

Apologies for absence were received from Councillors Carol Chisholm, David Howarth, Susan Jones and Mick Titherington.

19 Declarations of Interest

The Scrutiny and Performance Manager declared a prejudicial interest in the Management Re-structure Consultation Document item and indicated that he would leave the meeting during the discussion and voting thereon.

20 Management Re-Structure Consultation Document

(The Scrutiny and Performance Manager declared a prejudicial interest in this item as he was directly affected by the Senior Management Restructure, and left the meeting during the consideration thereof.)

Further to minute no. 14 (30 August 2017), the committee considered its draft response to the Management Re-structure Consultation Document.

The committee was grateful to the Chief Executive for consulting the Scrutiny Committee on the future management structure of the Council. This was particularly pleasing as it was a key recommendation from the Scrutiny Review of Licensing.

The committee noted that the Chief Executive's attendance at the last meeting of the Scrutiny Committee (held on 30 August 2017) to give a presentation and answer questions had been very useful.

A discussion ensued on the 6 draft recommendations. In respect of Recommendation 2 the committee accepted the significant reassurance from the Chief Executive that there would be a number of officers to offer additional support to the Scrutiny function. The committee therefore suggested that this recommendation should be amended to seek further assurances about the support for both Scrutiny and Governance functions under either of the proposed new structures.

During the course of the meeting, the Scrutiny Committee also agreed the following minor amendments –

Recommendation 4, first line, the word “developed” be replaced by “implemented”.

Recommendation 6, first line, the deletion of the words “Consideration be given to ...” and be replaced by “The Council moves to...”.

RESOLVED (unanimously): that based on the information provided, the Scrutiny Committee recommends that –

1. Further consideration and information is provided on the justification and potential implications of sharing the statutory roles of the Section 151 Officer and the Monitoring Officer with Chorley Council.
2. Requests further re-assurance about the future officer support for the Scrutiny and Governance functions and that the proposals going forward clearly outline the officer support to be provided under the new management structure.
3. Clarity be provided on the selection process for the posts that are not statutory officer appointments to ensure it is fair and there is equality of opportunity.
4. Plans are implemented to ensure those not successful in applying for the new roles in the structure are provided with the necessary support.
5. A support programme for those appointed to the new structure be put in place to help them manage the transition and ‘step up’ to the challenge.
6. The Council moves to developing a shared services strategy outlining both council's vision for shared services and a review of the governance arrangements of the shared services partnership, including harmonizing employee terms and conditions.

21 Final Report from the Scrutiny Review of Staff Morale

Further to minute no. 17(a) (30 August 2017), the committee received the final report from the Scrutiny Review of Staff Morale Task Group.

RESOLVED (unanimously) that the committee endorses the task group's findings/recommendations.

Chair

Date

REPORT TO	ON
Council	27 September 2017

September 2017



TITLE	REPORT OF
Review of Constitution – Contract Procedure Rules & Key Decisions	Interim Monitoring Officer

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

At their meeting on the 13 September 2017 Members of the Governance Committee considered the attached report in relation to the Council’s Contract Procedure Rules and the review of the financial threshold of key decisions undertaken by the Cabinet. All amendments to the Constitution require full Council approval.

2. RECOMMENDATIONS

2.1 That Council approves the draft Contract Procedure Rules at Appendix A, and determine whether to increase the proposed low value procurement threshold to £20,000

2.2 That Council approves the proposed increase to the current financial threshold of £100,000 for key decisions undertaken by the Cabinet

4. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

5. BACKGROUND TO THE REPORT

5.1 The Council’s Contract Procedure Rules are a key part of the Council’s Constitution and deal with the rules, processes and procedures for the procurement of contracts on behalf of the Council with a diverse range of suppliers and contractors. This report seeks a number of changes to update the rules as part of the Council’s full scale review of the Constitution.

6. GOVERNANCE COMMITTEE RECOMMENDATIONS

6.1 Members of the Governance Committee approved the recommendations within the report subject to the provision of further comparators for the proposed increase of the low value procurement threshold from £10,000 to £20,000

6.2 The following neighbouring authorities have the following thresholds:

Council	Threshold
Preston City Council	£20,000
Chorley Borough Council	£10,000
Lancaster City Council	£10,000
West Lancashire Borough Council	£10,000
Rosendale Borough Council	£10,000

6.3 Whilst it is acknowledged that most nearby authorities have a low value threshold of £10,000 nevertheless on balance we consider that it would be sensible to increase this to £20,000. Under our current rules anything over £10,000 in value is treated as procurement of Intermediate Value and hence requires a formal procurement exercise through the Chest. This is considered to be a somewhat excessive and cumbersome exercise for contracts that at times are not much more than £10,000 in value. Further in any event in our amended rules the expectation is that for contracts over £10,000 in value three email quotations would be obtained (if the Chest is not used) – this is considered a reasonable and proportionate requirement.

6.4 The practicalities are such that unless you use the Chest regularly it is not a simple process and currently the procurement team are asked to upload all procurements over £10,000 in value. With only two procurement officers for both CBC and SRBC, this can lead to a delay if there is no one immediately available to check and publish the documents. The provision for emailed quotes up to £20,000 retains a simple and quick competitive process for Authorised Officers, but a more robust sealed bid process will be retained for those procurements above £20,000 with procurement team involvement.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

The section 151 Officer has been involved in discussions relating to the proposed changes to the threshold figures and the Principal Procurement Officer was part of the team involved in the review of the CPR's.

7.2 Comments of the Monitoring Officer

All local authorities are required to have a written constitution which must be kept under regular review and publicised. Any amendments to the Constitution require the approval of full Council.

Other implications:	
▶ Risk	The Contract Procedure Rules form an important part of the Councils assurance framework to ensure good governance and appropriate safeguards when awarding Council Contracts.
▶ Equality & Diversity	There are no specific equality or diversity implications arising from this report.
▶ HR & Organisational Development	There are no specific HR or OD implications arising from this report.
▶ Property & Asset	There are no specific Property and Asset Management

<p>Management</p> <p>▶ ICT / Technology</p>	<p>implications arising from this report.</p> <p>There are no specific ICT/ Technology implications arising from this report.</p>
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8. BACKGROUND DOCUMENTS

South Ribble Constitution
 Report to the Governance Committee

SMT Member's Name: Caroline Elwood
Job Title: Interim Governance Manager

Report Author:	Telephone:	Date:
David Whelan Interim Monitoring Officer	01772 625247	September 2017

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REPORT TO	ON
Governance Committee	13 September 2017

Jan 2017



TITLE	AUTHOR
Review of Constitution - Contract Procedure Rules & Key Decisions	Interim Monitoring Officer

1. PURPOSE OF THE REPORT

1.1 At their meeting on the 1 February 2017 the Governance Committee resolved to review the Council's Constitution.

1.2 This report provides Members the opportunity to comment on the proposals to amend the Council's Contract Procedure Rules, together with the financial threshold for key decisions undertaken by the Cabinet, prior to their submission to the Council for approval at the meeting in September 2017.

2. RECOMMENDATIONS

2.1 That Members:

- (a) Consider and amend as appropriate the draft Contract Procedure Rules at Appendix A
- (b) Consider the proposed increase of the current financial threshold to £100,000 for key decisions undertaken by the Cabinet

2.2 Note that any recommendations will need full Council approval in September 2017

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

4. BACKGROUND TO THE REPORT

4.1 All Councils are required to have a written Constitution which sets out the Council's internal governance arrangements, approved procedures and protocols. As part of the Corporate Governance Action Plan 2016/17 Members of the Governance Committee agreed to carry out a thorough review of the Constitution in order to ensure that the Constitution is as clear as possible, completely up to date and fit for purpose.

4.2 The Council's Contract Procedure Rules are a key part of the Council's Constitution and deal with the rules, processes and procedures for the procurement of contracts on behalf of the Council with a diverse range of suppliers and contractors. The rules are designed to protect the public purse by demonstrating value for money together with appropriate safeguards to ensure objectivity in the award of contracts and compliance with any EU procurement requirements. A copy of the proposed amended rules is to be found in appendix A and the existing rules are to be found in Appendix B.

4.3 Generally, this has been a light touch review since the Rules were reviewed and updated only 2 years ago and are essentially robust and fit for purpose. Some of the changes are minor and ancillary and in part are designed to pick up on some recent changes made to Chorley's CPRs – as we have a shared procurement team it is helpful to keep the two documents as similar as possible.

4.4 The main changes are set out in the table below but members are asked to note in particular the proposed change to the procurement thresholds. The current thresholds are as follows:

- Less than £10,000 – low value procurement
- Between £10,000 to £75,000 – intermediate value
- Over £75,000 – high value

4.5 Where a proposed procurement/contract fits in on the above scale has implications for what sort of procurement exercise is required and also who would be authorised to make the contract award decision. For example, under the current CPRs all contract awards for high value procurement must be made by Cabinet.

4.6 The threshold figures have not changed for a number of years and it is considered that they should now be reviewed. It should be pointed out that Chorley have recently increased their high value threshold to £100,000. A number of other nearby local authorities (e.g. Lancaster, Wyre and Fylde) also have a similar high value threshold.

4.7 Accordingly the proposed amendments to the threshold values are:

- Less than £20,000 – low value procurement
- £20,000 to £100,000 – intermediate value
- Over £100,000 – high value

4.8 However, there are some complications with changing these thresholds (particularly with increasing the high value figure). At the moment the Council's key decision financial threshold for cabinet decisions is £75,000. It would make sense if members did increase the high value threshold that the Council also changed the definition of what constitutes a key decision in the light of this. Also it may be desirable/necessary to make some ancillary changes to Financial Regulations (these regulations are also in the process of being amended). There is a need to be consistent throughout or the figures and varying threshold amounts could cause some confusion.

4.9 To reflect this need for consistency the proposed change to the definition of "Key Decision" is set out at paragraph 6 of the report.

5. CONTRACT PROCEDURE RULES

5.1 The amended **Contract Procedure Rules at Appendix A** now provide as set out in the table below. Please note that we have not included in the table below every instance where the changes to the threshold figures are included as that would become very repetitive – all other proposed changes though are referred to in the table below:

New Rule	Content	Former Rule & Justification
5.2 Revenue Expenditure	Some ancillary changes to wording following on from the proposed increase in the high value threshold	Updates current wording
5.3 Capital Expenditure	Some ancillary changes to wording following on from the proposed increase in the high value threshold	Updates current wording
5.4 – new para to be inserted	New wording regarding what constitutes a Key Decision	New wording inserted for clarification purposes
6 Exempt Contracts 6.1 d	A proposed additional exemption for the procurement of specified legal wording	Additional wording proposed. The value of legal services procured can be difficult to estimate at the outset as you never know whether the matter will settle quickly or may drag on. Further legal services as a matter of course procure legal services through the North West Consortium – that is a way of accessing high quality advice at a rate significantly below the market rate. The North West Consortium is a collaboration of 25 approx. councils in the north west of England.

7.2 Pre- Procurement Procedure	A small change in wording to refer to an officer consulting with their SMT member. The current wording at the moment refers to a job title that no longer exists (Policy and Performance Advisor).	Amended wording inserted for clarification purposes
8.2 Calculating the Contract Value	The proposed new wording is primarily designed to bring greater clarity.	New wording inserted for clarification purposes
9.1 Low Value Procurement	Some changes to wording consequential on the proposed increase in the low value threshold to £20,000. This is the last sentence in the paragraph.	Amended wording designed to deal with the consequences of increasing the low value threshold and to strengthen the arrangements
14 (g) Invitation to Tender	A deletion of three words (" <i>as considered appropriate</i> ") which are considered unnecessary – this reflects what Chorley have recently agreed to.	Removal of unnecessary wording
17.3 Evaluation	Additional wording to reflect some changes to Chorley's wording. This wording is added to the second bullet point.	Additional wording designed to strengthen existing arrangements
18.3 Tender/Quotation Clarification	A minor change of wording to refer to "Authorised Officer" which is the correct terminology	A minor change to wording which is more accurate
27 Execution of Contracts	A deletion of unnecessary wording – the second sentence of 27(1) of the current rules.	The change is for the purposes of greater clarity .
40 Non-Compliance	A change of wording to reflect a change of job titles and to cover a situation which is not currently catered for in the rules – i.e. the potential situation of where there is a discrepancy between the Contract Award and the amount actually paid out	Amended wording to bring greater clarity and strengthen existing arrangements.

41 Change of Authorised Officer	This is entirely a new clause designed to cover the situation of where there is a change in the leading officer during the lifetime of a contract	This is intended to strengthen our current arrangements

6. KEY DECISIONS

6.1 A key decision is defined as any decision relating to a Cabinet function which is either:

(a) Significant in terms of expenditure or savings. The financial threshold above which a matter becomes “significant” has been set a £75000 and this figure is applicable to both revenue and capital budgets

OR

(b) Significant in terms of its effect on the communities living in an area comprising two or more Council wards. “Significant” in this context means important or far reaching.

6.2 The financial threshold for key decisions has not been reviewed for some time and a review is therefore timely. It is for individual authorities to set the relevant financial thresholds having regard to their budget and to local circumstances. The original statutory guidance also urged local authorities to check that there is consistency between neighbouring authorities at the same tier.

6.3 A comparison of neighbouring authorities within Central Lancashire is as follows:

Authority	Financial Threshold
Preston	£100,000
West Lancashire	£100,000
Chorley	£100,000

6.4 It is therefore suggested that the financial threshold within the definition of a Key Decision is raised to £100,000 to align with neighbouring Councils and to align with the proposed increase of thresholds in the Contract Procedure Rules for high value procurements.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

The Section 151 officer has been involved in the discussions relating to the proposed changes to the threshold figures. Further the Principal Procurement Officer was one of the team of officers involved in the review of the CPRs.

7.2 Comments of the Monitoring Officer

All local authorities are required to have a written Constitution which must be kept under regular review and publicised. Any amendments to the constitution require the approval of full Council.

Other implications:	
Risk	There are no specific risk implications arising from this report
Equality	There are no specific equality implications arising from this report
HR	There are no specific HR implications arising from this report

8. BACKGROUND DOCUMENTS

South Ribble Constitution

Appendix A – Proposed new Contract Procedure Rules

Appendix B – Existing Contract Procedure Rules

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Interim Monitoring Officer/Legal Services Manager
01772 625247

**SOUTH RIBBLE BOROUGH COUNCIL
CONTRACT PROCEDURE RULES**

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Contract Procedure Rules

1. Introduction

- 1.1 These Rules form part of the Council's Constitution and are the Council's Contract Procedure Rules for purchasing goods, works and services for the Council. They do not apply to internal purchases or internal service provision, only where you need to buy something from outside the council.
- 1.2 The Rules apply to any contract that results in a payment being made by the Council as well as to some types of contracts where a service is being provided for the Council which results in some income being generated for the Council.
- 1.3 The Rules also apply to the disposal of surplus goods (see paragraph 37) and to Concession Contracts (Paragraph 38).
- 1.4 The Rules also apply when an external body, authority, company, consultant or other person has been engaged to carry out procurement or disposal on behalf of the Council.
- 1.5 Quotations for grant funded contracts for goods, services or works, where they are procured by the Council, should be invited, in accordance with these rules, except to the extent that any specific requirements for the receipt of the grant specify different requirements, in which case the specific grant procedures must be followed, and the procurement completed in accordance with the relevant grant procedural requirements.
- 1.6 The Rules have four main purposes:
 - to comply with the obligations that govern the spending of public money derived from the European Union (EU) procurement regime and applied in the UK through the Public Contracts Regulations (2015);
 - to obtain Best Value in the way we spend money, so that we may in turn offer better and more cost effective services to the public;
 - to avoid corruption and ensure high ethical standards;
 - to protect people who follow the Rules.
- 1.7 The Rules must be read in conjunction with the Council's Financial Procedure Rules, Procurement Guidance and any other internal controls laid down by the Council for example the Council's Anti-Fraud and Corruption Policy and Whistle Blowing policy.

2 Compliance

- 2.1 Every contract entered into by the Council shall be entered into in connection with the Council's functions and must comply with:

- (a) all relevant statutory provisions;
- (b) the relevant European procurement rules (i.e. the EC Treaty, the general principles of EC law and the EC public procurement directives implemented by the UK Regulations);
- (c) the Council's Constitution including these Contract Procedure Rules, the Authority's Financial Regulations and Financial Procedure Rules and the Council's Scheme of Delegation
- (d) the Council's vision, priorities, enabling strategies and policies (e.g. Corporate Plan, Procurement Strategy and Sustainable Procurement Policy)

2.2 At all times during the contract award procedure, the Council, through its members and officers, shall consider and implement the principles of non-discrimination, equal treatment and transparency.

2.3 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. Members shall comply with the Code of Conduct for Councillors, and officers shall comply with the Code of Conduct for Officers.

2.4 Effective audit trails must be maintained at all stages throughout the procurement procedure, particularly when approval or agreement is required and at evaluation/decision making stages.

3. Conflicts of Interest, Gifts & Hospitality

3.1 Every officer entitled to buy supplies, services or works shall comply with the requirements of the Officer Code of Conduct in respect of conflicts of interest, gifts and hospitality.

4. Procurement Plan

4.1 Prior to the start of each financial year, each Director must prepare a procurement plan setting out their department's contracts to be procured (over £20,000) during that financial year, and where possible for forthcoming years. A copy of the plan must be supplied to the Principal Procurement Officer who shall use this information to formulate an Annual Procurement Plan for the Council.

4.2 Any procurements planned with a contract value of £100,000 or above should be communicated to Democratic Services for inclusion on the Forward Plan.

5. Who has authority to carry out procurement on behalf of the Council?

5.1 Any procurement carried out on behalf of the Council may only be undertaken by officers

with the appropriate delegated authority to carry out such tasks as set out in the Council's Constitution (Scheme of Delegation). Officers with delegated authority may only authorise other officers who have the appropriate skills and knowledge appropriate to the task. Officers shall be informed by his/her Director/Service Head, in writing, of the extent of any delegated authority and any applicable financial thresholds for each procurement. These officers shall be known as Authorised Officers.

5.2 Revenue Expenditure

Subject to the provisions of Paragraph 5.6, Directors and their Authorised Officers may seek Tenders and Quotations in accordance with these Contracts Procedure Rules for any item of revenue expenditure for which budget provision has been made, and may accept such Tenders/ Quotations in accordance with these Contracts Procedure Rules, up to a total contract value of £100,000. Contract awards above £100,000 constitute a Key Decision and must appear on the Forward Plan.

5.3 Capital Expenditure.

Subject to the provisions of Paragraph 5.6, Directors and their Authorised Officers may seek Tenders and Quotations in accordance with these Contracts Procedure Rules, the particulars of which are shown as approved in the Council's capital programme for the current financial year and which have also been approved/comply with any additional requirements of the Council's Financial Regulations. Directors and their Authorised Officers may accept Tenders /Quotations in accordance with these Contracts Procedure Rules and the Council's Financial Regulations up to a total contract value of £100,000. Contract awards above 100,000 constitute a Key Decision and Cabinet authority must be obtained. Such proposed decisions must appear on the Forward Plan.

5.4 For the sake of clarity the decision to commence a procurement exercise (as opposed to a decision to award a contract in the circumstances described in paragraphs 5.2 and 5.3 above) is not deemed to be a Key Decision unless the decision forms part of and is taken at the same time as a decision that will result in a change to service provision which will have a significant effect on two or more wards of the Council

5.5 Any procurement which involves the transfer of Council Staff shall be treated as a High Value (above £100,000) Procurement and, as such, Cabinet authority must be sought for such acceptance.

5.6 For all High Value Procurements above the EU threshold, prior approval of the proposed contract award procedure including the evaluation criteria and weightings to be applied, shall be sought from the relevant Executive Cabinet Portfolio Member as a delegated decision.

6. Exempt Contracts

6.1 The Rules do not apply to the following types of Contract:

- (a) individual contracts for the provision of temporary staff. (The arrangements with staffing agencies, however, should be subject to a competitive procurement process in accordance with these Contracts Procedure Rules)
- (b) contracts of employment which make an individual a direct employee of the Council
- (c) contracts relating solely to disposal or acquisition of an interest in land (including buildings)
- (d) contracts for advice by and representation by a lawyer with regard to legal proceedings (or contemplated legal proceedings)

If you are in any doubt about whether the Rules apply, you **must** always check with the Principal Procurement Officer.

7. Pre-Procurement Procedure

7.1 Before commencing a procurement it is essential that the Authorised Officer leading the procurement has identified the business need and fully assessed any options for meeting those needs. Consideration shall be given to the Council's Procurement Strategy, Sustainable Procurement Policy and procurement guidance, as appropriate.

7.2 Before undertaking a procurement the Authorised Officer shall:

- (a) consider all other means of satisfying the need (including recycling and reuse where appropriate);
- (b) prepare an estimate of expenditure in accordance with Rule 8;
- (c) satisfy themselves that they have the necessary authority to deal with the procurement and that there is budget provision for the procurement in accordance with the provisions of Rule 5
- (d) undertake a risk assessment
- (e) complete an Equality Impact Assessment where any change in service provision is proposed that will have Equality Impacts
- (f) establish a business case for the procurement and consider whether the procurement should follow the Council's Project Management Framework/Toolkit. Procurements which may benefit from use of the toolkit are usually higher value and are:

- unique, new or complex leading to significant system, process or service changes,
- impact on numerous services
- have a significant reputational impact on the Council

If you are unsure as to whether the Project Management Framework should apply, you should consult your SMT member for a decision.

The level of resource and detail deployed in carrying out the requirements of 7.1 and 7.2 shall be appropriate to the nature and the value of the Procurement.

8. Calculating the Contract Value

8.1 Prior to commencing any procurement you must estimate the total monetary value of the contract (exclusive of VAT) over its full duration, including any extension options (not the annual value). The estimated total value of the contract will determine which procedure you must then adopt.

8.2 Where it is proposed to procure a Contract on terms which will provide for renewal on a "rolling" basis, the Authorised Officer must make a reasonable estimate of the term of the contract in order to estimate the Contract Value. If during the term of the Contract it appears that the estimated Contract Value may be exceeded by anticipated further renewals of the contract, the provisions for contract extension at paragraphs 34.2 to 34.5 shall apply. This rule shall not apply to rolling contracts where the annual value is below £10,000. Such contracts shall be subject to an annual review.

8.3 Circumstances may arise where a number of low value contracts of the same type, for regular, routine, similar goods or services for similar goods or services are given to one Contractor within a 12 month period. In this case, 12 months expenditure should be aggregated to determine which procedure should be followed. When the value of those contracts is aggregated the effect may be to move the total purchase from one value band to another. This may mean that a different procurement method has to be followed to comply with these rules, or it may be necessary to seek a waiver of these rules in such circumstances.

8.3.1 The requirement to aggregate under the circumstances described at 8.3 will not apply where The Authorised Officer identifies that the spend activity is:

- (a) unknown or unplanned and therefore cannot be specified at the commencement of the 12 months period or
- (b) of a similar general category but is so varied that it would be impractical or difficult to specify, the aggregate annual value is less than £20,000, and a blanket discount arrangement, schedule of rates or other such general framework agreement would be impractical and lead to additional cost.

- 8.3.2 In any event, the Authorised Officer shall ensure that best value is achieved, make best use of the Council's purchasing power by aggregating where appropriate, undertake periodic review of the procurement decision, and keep appropriate records including the reason for any decision not to aggregate, throughout.
- 8.4 Authorised Officers should make the best use of the Council's purchasing power by aggregating purchases wherever possible
- 8.5 Contracts must comply with the Public Contracts Regulations and must not be artificially split to avoid these Rules or the Regulations
- 8.6 If, following calculation of the estimated value, the low value route (below) £20,000 is used, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued at over £20,000, the matter shall be referred initially to the Director/ Head of Service for approval who shall consult the Legal Services Manager. Provided that the preferred offer is within 10% of the pre-quote estimate, and the Director/Head of Service and the Legal Services Manager are of the opinion that a robust exercise with an appropriate level of competition has been carried out, with a genuine pre-tender estimate, they may collectively approve the contract award.
- 8.7 If, following calculation of the estimated value, the intermediate route (below £100,000) is selected, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued at over £100,000, then the matter shall be referred initially to the Director/ Head of Service for approval who shall consult the Legal Services Manager. The Director/Head of Service and the Legal Services Manager shall be given full details including how the estimated value was calculated, the amount of the estimated value, the value of all quotations received and the evaluation model applied leading to selection of the preferred offer. Provided that the preferred offer is within 10% of the pre tender estimate and the Director/Head of Service and the Legal Services Manager are of the opinion that a robust exercise has been carried out with a genuine pre-tender estimate, they may collectively recommend that the process be continued under the High Value route and that full details of the process followed be included in the subsequent report requesting approval for the award decision to be submitted to Cabinet.

9. Low Value Procurement: Below £20,000

- 9.1 Where the estimated value or amount of the proposed contract is less than £20,000, The Authorised Officer shall ensure that best value is achieved and that the arrangements made secure the best available terms for the Council. Good practice would be to obtain written or electronic quotations (including at least one local supplier where possible); however, evidenced verbal quotations are acceptable. The Authorised Officer should ensure that the number and type of quotations received are appropriate and proportionate to the contract risk and value. Where the estimated value or amount of the proposed contract is more than £10,000 the expectation is that at least 3 Request for Quotations shall be invited via email or through the Council's e-procurement portal "The Chest" - if this does not happen then the reasons for not so doing should be recorded.

- 9.2 The purchase order must be made on an official purchase order and shall specify the services, supplies or works to be provided and set out the price and terms of payments.
- 9.3 Two authorised officers must be involved in the ordering and receiving process.
- 9.4 Every purchase order (whether issued as a result of higher, intermediate or lower value procurements) **must** contain the current approved standard form of terms and conditions of contract between the Council and the supplier. A quotation and a purchase order will create a legally binding contract.
- 10. Intermediate Value Procurement: £20,000 to £100,000 (Quotations)**
- 10.1 For procurements valued over £20,000 but at or below £100,000 at least 3 Request for Quotations shall be invited through the Council's e-procurement portal "The Chest", before a formal purchase order is issued specifying the supplies, services or works to be provided.
- 10.2 Where an Intermediate Value procurement is above £25,000 in value, and is openly advertised, the 2015 Public Contracts Regulations require that the opportunity is also advertised on the Government one stop shop "Contracts Finder". Additionally, for all contract awards above £25,000, whether the opportunity was openly advertised or not, a Contract Award Notice must be published on Contracts Finder. In both instances, the notices must include the specific details listed in the Regulations, and in both instances, these notices may be accommodated through the Chest.
- 10.3 At least one local supplier should be included in the suppliers to be invited to quote where possible.
- 10.4 Invitations to quote shall:
- (a) specify or refer to a specification of the goods, materials, services or work required
and
 - (b) state the date and time by which the quotation must be received
and
 - (c) include the instructions for submission and state that no quotation will be considered unless it is received in accordance with those instructions.
 - (d) have the evaluation criteria set out in the invitation to Quote. All quotations shall be evaluated in accordance with the evaluation criteria set out in the quotation documents. All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Economically Advantageous offer to the Council.

- 10.5 Where the risk in a specific procurement is perceived to be high, then that procurement shall be treated as a High Value Procurement.
- 10.6 Any procurement that may involve a transfer of Council staff shall be treated as a High Value Procurement.

11. High Value Procurements: Above £100,000 (Tenders)

- 11.1 All Procurements with a cumulative value of over £100,000 shall be classed as High Value Procurements.
- 11.2 Additionally any contract where Council employees may be transferred to other bodies or where risk in the procurement is perceived to be high shall be treated as a High Value Procurement.
- 11.3 All high value procurements must be advertised on the Council's e-procurement portal "The Chest".
- 11.4 In addition to advertising on the Chest, all High Value procurements shall be advertised on the Government one stop shop "Contracts Finder" in accordance with the 2015 Public Contracts Regulations. Additionally, for these procurements, a Contract Award Notice must also be published on Contracts Finder. In both instances, the notices must include the specific details listed in the Regulations, and in both instances, these notices can be accommodated through the Chest.
- 11.5 Nothing in these Rules prevents you from adopting any aspect of the High Value Procurement procedures in the procurement of intermediate or lower value supplies, works or services.

12. Contracts Subject to the Regulations: Above the EU Threshold

- 12.1 Where the estimated value of a contract exceeds the current EU threshold the contract shall be tendered in accordance with the Regulations. Under the Regulations, the contract may be tendered under the Open, Restricted, or, in exceptional circumstances exhaustively set out in the Regulations, the Competitive Procedure with Negotiation, Competitive Dialogue or Innovation Partnership procedure. For each contract tendered in accordance with the Regulations, a contract notice shall be published in the prescribed form in the Supplement to the Official Journal to the European Union (OJEU) to invite tenders or expressions of interest

Advertisements published in addition to the OJEU notice must not appear in any form before a contract notice is published by the EU Publications Office and must not contain any information additional to that contained in the contract notice.

12.2 With effect from 1 January 2016 the EU thresholds are as follows:

- (a) Services contracts £164,176;
- (b) Schedule 3 (Social & Other Specific) services contracts £589,148
- (c) Supplies contracts £164,176; and
- (d) Works contracts £4,104,394

The EU thresholds set out above are revised by the European Commission every two years.

12.3 The EU Directives and UK Regulations are long and complex, and set out minimum timescales for receipt of expressions of interest and tenders. Officers **must** consult the Shared Procurement Team and Legal Services department prior to commencing any procurement which is subject to the Regulations.

13. Suitability Assessment & Pre-Qualification (Not to be used when procuring from a Framework agreement as suppliers on framework agreements are already pre-qualified)

13.1 In all procurements the Council shall only enter into a contract with a Contractor if it is satisfied as to the Contractor's -

- (a) eligibility
- (b) economic and/or financial standing
- (c) technical and/or professional ability

The level and detail of assessment shall be proportionate to the risk and value of the contract. Shared Financial Services shall be consulted for all procurements above £100,000 for the completion of an appropriate financial assessment, prior to contract award.

13.2 A pre-qualification stage is not permitted in any procurement below the EU threshold for Goods and Services. (currently £164,176 for calendar years 2016/17. -This threshold is updated every two years.) However, suitability assessment questions relating to a potential provider may be asked provided that the questions are relevant and proportionate to the subject matter of the procurement.

13.3 A pre-qualification stage may be used in above EU threshold contracts. However, in all instances, statutory guidance published by Crown Commercial Service (CCS) must be followed. This includes use of a core set of standardised questions. For further information and advice, Authorised Officers should contact the Shared Procurement Team.

- 13.4 Where appropriate, bidders may self-certify during the tender/ quotation process, with relevant and proportionate checks only being carried out on the shortlisted bidder.
- 13.5 Any procurement subject to the Regulations shall be in full compliance with those Regulations and the statutory Crown Commercial Service guidance. The Regulations stipulate what must and/or may be taken account of, in assessing eligibility, economic and financial standing and technical and/or professional ability.

14 The Invitation to Tender

14.1 The ITT shall include details of the Authority's requirements for the particular contract including:

- (a) a description of the services, supplies or works being procured;
- (b) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
- (c) instructions for completing and returning the tender documentation
- (d) notification that tenders received after the closing date and time will not be considered
- (e) a specification and instructions on whether any variants are permissible;
- (f) the Council's terms and conditions of contract
- (g) the evaluation criteria including any weightings;
- (h) pricing mechanism and instructions for completion;
- (i) whether the Council is of the view that TUPE may apply;
- (j) form and content of method statements to be provided
- (k) rules for tender submission;
- (l) any further information which will inform or assist tenderers in preparing tenders.

15. Submission, Receiving and Opening of E-Tenders/Quotations through the Chest

- 15.1 Every response to an invitation to tender/quote for a transaction valued over £20,000 must be submitted through the Chest by no later than the time and date specified for submission of tenders/quotations in the invitation to tender/quotation document.
- 15.2 The Principal Procurement Officer or Authorised deputy shall verify (remove the e-seal) and release all tenders and quotes to the Authorised Officer once the deadline for their receipt has passed. This verification role may be given to a suitably trained Authorised Officer for intermediate value quotes.
- 15.3 The Chest will automatically record the date and time of receipt of each submission and will list late submissions separately. No quotations or tenders which have been received on to the Chest after the deadline for receipt has passed may be considered.
- 15.4 The Principal Procurement Officer or other Authorised Officer shall complete a Record of Tenders/Quotations Received form summarising the quotations received.

- 15.5 The Authorised Officer must notify the Principal Procurement Officer of the eventual outcome of the procurement exercise for entry into the Contracts Register by completing and submitting the final sections of the Record of Tenders/Quotations Received Form.
- 15.6 The closing date for the receipt of tenders/quotations may be extended, in appropriate circumstances, at the written discretion of the Legal Services Manager.
- 15.7 Tenders and Quotations shall not be opened until the deadline has passed for their receipt.

16. Traditional Hard Copy Tenders and Quotes (Exceptional Circumstances Only)

- 16.1 The Council's preferred method of tendering is by electronic means through the Chest. However, in very exceptional circumstances (e.g. contracts where there are items required, which cannot be submitted electronically), tenders and quotes may be submitted in hard copy format with the prior approval of the Legal Services Manager and the Principal Procurement Officer.
- 16.2 Tenders and Quotations received in accordance with Paragraph 16.1 shall be addressed to the Principal Procurement Officer, Shared Financial Services, Town Hall Market Street, Chorley, PR7 1DP in a sealed envelope endorsed with the word "Tender" or "Quotation" as appropriate, followed by the subject matter to which it relates. No marks shall be included upon the envelope that identifies the bidder prior to the opening of the envelope. The Principal Procurement Officer shall record the date and time of receipt of such Tenders and Quotations and shall keep them in a secure place where they shall remain unopened until the time and date specified for their opening.
- 16.3 Tenders and Quotations received in accordance with this paragraph 16 shall be opened by the Principal Procurement Officer or authorised Deputy and at least one other Authorised Officer. An immediate record shall be made of the Tenders/Quotations received including tenderer name, value, and the date and time of opening on the Record of Tenders/Quotes Received Form.

17. Evaluation

- 17.1 Tenders subject to the EU Regulations shall be evaluated in accordance with the Regulations and the evaluation criteria set out in the OJEU notice and invitation to tender. All other tenders and quotations shall be evaluated in accordance with the evaluation criteria notified to tenderers in the contract notice and/or invitation to tender or Quote.
- 17.2 All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Economically Advantageous Tender to the Council (MEAT).

17.3 MEAT evaluation involves scoring tenders objectively by a panel of officers and/or independent experts using criteria which should:

- be pre-determined and listed in the invitation to tender/quotation documentation in descending order of importance;
- be weighted according to their respective importance. This is mandatory for High Value Tenders and recommended for intermediate value procurements. Authorised officers must consult the Principal Procurement Officer where it is intended not to follow this recommendation for intermediate value procurements above £50,000 and provide a valid justification for this.;
- be strictly observed at all times throughout the tender process;
- reflect the principles of Best Value;
- include price;
- adopt whole-life costing where appropriate, particularly in the case of capital equipment where the full cost of maintenance, decommissioning and disposal should be taken into account. Additionally the use of energy efficient products or the use of sustainable materials with a longer life span may impact on the whole life cost;
- be capable of objective assessment;
- include, where applicable, the quality of the tenderers' proposals to accept a transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE); and
- avoid discrimination or perceived discrimination on the basis of nationality, or other cause contrary to any of the Council's policies.

Where this evaluation methodology is used, any resulting contract must be awarded to the tenderer which submits the most economically advantageous tender, i.e. the tender that achieves the highest score in the objective assessment.

17.4 The evaluation criteria must be consistently and strictly observed at all times through the contract award procedure by any officer involved in the tender evaluation process. The Authorised Officer must keep comprehensive records of the evaluation exercise including the scores and comments and justification for those scores and shall sign the final selection record.

17.5 For each contract above £100,000, the Authorised Officer shall form an Evaluation Team with responsibility for evaluating tenders. The Authorised Officer shall keep comprehensive written records of the evaluation exercise including the scores and

comments and justification for those scores, and the lead officers of the evaluation team shall sign the final selection record.

18. Tender/Quotation Clarification

- 18.1 Bidders may request clarification on aspects of the Tender/Quotation documentation prior to submission by submitting a clarification question through the Chest. The Authorised Officer must ensure equal treatment of all bidders, and where relevant should anonymise the question and publish that together with the response to all potential bidders through the Chest. Care should be taken not to reveal the identity of the Tenderer or any information which may be deemed to be commercially confidential to them during the clarification process.
- 18.2 During the evaluation process, Authorised Officers may clarify aspects of a submitted Tender or a Quotation which are unclear, lacking in detail, ambiguous or appear to show a misunderstanding of the requirements. The areas requiring clarification should be set out in writing by the procurer and a written response requested from the bidder. All such communications should be issued or recorded through the Chest to ensure a full e-audit trail of the procurement.
- 18.3 For more complex service procurements where officers want to obtain a fuller understanding of bidders' proposals and method statements it may be appropriate to hold a clarification meeting. In such circumstances a formal written record of the meeting shall be completed and agreed by all parties. Minor points of clarification and obvious errors (e.g. mathematical error) should be dealt with in accordance with Clause 18.2 above and should not require a meeting.

When conducting clarification, as throughout the procurement process, the Authorised Officer must bear in mind the rules and principles of the EU Regulations i.e. transparency, equal treatment and non-discrimination.

19. Errors in Tenders/Quotations

- 19.1 Errors in Tenders/Quotations must be dealt with by asking the Tenderer to confirm the Tender as submitted or withdraw their bid. However, where a Tenderer has made a visible and genuine arithmetical error they may be given an opportunity to correct that error. Other than where specifically provided for in the Regulations (e.g. when using the Competitive Dialogue procedure) no other adjustment, revision or qualification is permitted.
- 19.2 Tenders/Quotations must state how errors in Tenders/Quotations must be dealt with.
- 19.3 Careful consideration must be given to the effect of any procedure adopted when dealing with errors in Tenders and the reflection which any such procedure may have on the integrity of the officers and members of the Council. It is essential that the procedure

adopted is transparent, fair and equitable with equal treatment to all bidders.

20 Post Tender Negotiation

- 20.1 Where procurement is conducted pursuant to the Regulations through either the Open or Restricted procedures no post tender negotiations are permitted. However, the Council may seek clarification from Suppliers where appropriate.
- 20.2 At all times during the procurement (whether subject to the Regulations or not), the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

21. Bonds, Guarantees and Insurance

- 21.1 For high value procurements, the Authorised Officer shall consider and include in the procurement documentation, whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred Supplier.
- 21.2 The Authorised Officer shall consider and include, where relevant, in the Tender documentation the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract.

22 Awarding Contracts

- 22.1 The Council shall only award a contract where at the time of contract award this represents the Most Economically Advantageous offer or is the lowest price depending on contract award criterion included in the OJEU notice or Invitation to Tender/Quote.
- 22.2 A contract must only be awarded and signed by a person authorised to do so, who must ensure that the appropriate budget holder has the funds in place to sustain the contract prior to award.
- 22.3 Directors/Heads of Service should ensure that proper records of all procurement activity are retained in electronic or hard copy format as appropriate.
- 22.4 All High Value contract award decisions and any which involve any potential transfer of the Council's employees shall be referred to Executive Cabinet.
- 22.5 Any procurement of £100,000 or more in value constitutes a key decision and must therefore be included in the relevant Forward Plan as described in the Council's Constitution, before the contract award decision is taken.
- 22.6 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. It is essential to maintain

effective audit trails at all stages throughout the procurement procedure particularly where approval or agreement is required.

23 Standstill Period

23.1 For all contracts tendered under the Regulations, a ten calendar day (where electronic communication is used or 15 calendar days where non-electronic communication is used) 'standstill period' must be observed between the decision to award and contract conclusion. Although the Standstill period is counted in calendar days, it must end on a working day. Authorised Officers should consult the Shared Procurement Team for advice on the specific detail which must be included in Standstill Letters under the Regulations. The Standstill period is an express requirement in the Regulations and must be followed.

24. Contract Award Notice

24.1 All contracts awarded under the Regulations must be announced by means of a Contract Award Notice in OJEU transmitted no later than 30 calendar days after the date of the award.

24.2 All contracts awarded above £25,000 in value whether openly advertised or not must be published on Contracts Finder in accordance with the Regulations and published Crown Commercial Service (CCS) guidance.

25. Letters of Intent

25.1 Letters of intent shall only be used in exceptional circumstances and, by prior written agreement with the Legal Services Manager, as follows:

(a) Where a Supplier is required to provide services, supplies or works prior to formal written acceptance by the Council; or

(b) Where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a tender shall bind the parties into a contractual relationship.

26. Contract Terms and Conditions

26.1 Contracts shall be entered into on the Council's terms and conditions, or an appropriate industry standard form of contract or other form of contract approved by Legal Services. This may be a supplier's contract suitably amended to protect the Council's interests. However where the contract has been tendered the contract shall be in accordance with the tender Conditions. The Contract Conditions shall be included with

each purchase order and invitation to tender or negotiate.

26.2 Where contracts are subject to the Regulations, the rules relating to technical specifications shall be followed and any reference to a technical standard, make or type shall be prefaced with the words "or equivalent".

27. Execution of Contracts

27.1 Any contracts valued at above £100,000 shall be passed to Legal Services for sealing execution and secure storage, unless otherwise agreed with the Legal Services Manager.

27.2 All contracts valued at above £20,000 but below £100,000 should be signed by at least two appropriately Authorised Officers.

27.3 All other contracts may be signed by an officer with the appropriate authority.

27.4 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Legal Services Manager.

28. Records of Tenders and Contracts/Contracts Register

28.1 Each Director/Head of Service shall maintain his/her own register of all contracts entered into by his/her department.

28.2 The Principal Procurement Officer shall maintain a register of all Higher Value and Intermediate value contracts entered into by the Council.

28.3 Authorised Officers shall notify the Principal Procurement Officer of all intermediate and high value contract awards for entry into the Contracts/ Transparency Register by completing and submitting the final sections of the Record of Tenders and Quotations Received Form.

28.4 Additionally the Authorised Officer must notify the Principal Procurement Officer of all contracts awarded, above £5000, as soon as possible after the Contract Award, for inclusion in the Contract/Transparency Register.

29. Approved / Standing List of Contractors

29.1 The Council may maintain Approved Standing lists of Suppliers that meet its suitability requirements. Quotations and tenders for contracts that are not subject to the Regulations may be invited from Suppliers included on an approved list. Where the Authority intends to use an approved list for services, supplies or works contracts, the Approved List should be reviewed and advertised on a regular basis.

29.2 Each Approved Standing List shall:

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- (a) be compiled and maintained by the relevant Authorised Officer;
- (b) contain the names of all persons who wish to be included in it and who after appropriate enquiries have been made by the Authorised Officer concerned, are approved by the Council or Cabinet as provided for in the scheme of delegation; and
- (c) indicate whether a person whose name is included in it is approved for contracts for all, or only some, of the specified values or amounts or categories.

29.3 At least four weeks before each Standing List is first compiled, a notice inviting applications for inclusion in it shall be published on the Chest, and where relevant Contracts Finder

29.4 Each Standing List shall be amended as required from time to time to include new applications for inclusion and to delete any person no longer thought fit to be included. Each Standing List shall be formally reviewed in the manner set out below by the appropriate Director/ Head of Service at intervals not exceeding three years. At least four weeks before each review, each person whose name appears in the Standing List shall be asked whether s/he wishes his/her name to remain there. Notices inviting applications for inclusion in the list shall be published in the manner provided by Contract Procedure Rule 29.3 above.

29.5 Where an invitation to tender for a contract is limited to those named on the Standing List maintained under this Contract Procedure Rule, an invitation to tender for that contract shall be sent to at least four of the persons on the list. These people will be approved for a contract for that value or amount or of that category, or, if there are fewer than four such persons, to all such persons. If there are more than four people, the Authorised Officer, will select the people who will receive invitations, and the manner in which they are sent. This will be either generally or in relation to a particular contract or to a category of contracts provided that the manner of selection shall include a system of rotation from persons appearing on the Standing List.

30. Nominated and Named Sub-contractors

If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main contractor, quotations or tenders must be invited in accordance with these Contracts Procedure Rules and the terms of the invitation shall be compatible with the main contract.

31 Framework Agreements

31.1 Framework agreements are agreements with suppliers for the provision of supplies, works or services on agreed terms for a specific period. Unlike normal contracts which require certainty (on price, quantity and other details), Framework Agreements usually state only non-binding estimated quantities against which orders are placed as and when required during the contract period (sometimes this procedure is known as "call-off"). As soon as

the quantity/price etc are fixed and an order placed, a contract is formed. Frameworks offer benefits of bulk-buying, improved service and reduced administration costs over the period of the arrangement.

- 31.2A framework agreement may have the option or requirement for you to hold a "further - competition" with all of the suppliers included on the framework who are capable of meeting your requirement. Quotations invited under a further competition shall be received and opened in accordance with these Contract Procedure Rules, unless received and opened by the public sector framework provider (e.g. Yorkshire Purchasing Organisation) on the Council's behalf, who may receive and open such bids in accordance with their contract procedural rules.
- 31.3 All Framework agreements procured by the Council must be tendered in accordance with these Contract Procedure Rules.
- 31.4 Where the Council has entered into a Framework Agreement through procurement or is able to place orders from existing Framework Agreements procured by central government agencies, public sector consortia, other local authorities or other third parties, then the Council may benefit from using those contracts without entering into a full, separate procurement.
- 31.5 Where a public sector framework is used in accordance with the above provisions, without entering into a full, separate procurement process, all other relevant aspects of these procurement rules will still apply, including any approval which may be required for the procurement award procedure (in this case to use the identified framework), approval for the evaluation criteria and weightings (in the event of a further competition under the framework), and approval for the contact award prior to contract acceptance.
- 31.6 Authorised Officers shall investigate whether call-off contracts or frameworks are relevant to their procurement activity as better value for the Council may be obtained by using an existing Council or other framework.
- 31.7 Legal/Procurement Advice should be sought in advance before awarding a contract to a supplier using a framework agreement not procured directly by the Council.
- 31.8 Any appropriate Council Framework Agreements in place shall be used regardless of value, provided the standing order requirements in relation to delegated authority are met. An effective audit trail shall be maintained.

32. Joint / Collaborative Procurement

- 32.1 Authority to engage in joint/ collaborative procurement activity shall be in accordance with the requirements of paragraph 5. However, in the event that the joint/ collaborative procurement activity requires a commitment at the outset, prior to bids being invited, Cabinet approval must be obtained prior to committing to the joint/

collaborative procurement where the estimated value of the Council's proportion of the procurement exceeds £100,000.

32.2 The Authorised Officer shall ensure that the joint/collaborative procurement activity complies fully with the EU Procurement Regulations

32.3 In any joint or collaborative procurement process the parties involved in the procurement should appoint a "lead body" to carry out the procurement. The procurement should then be conducted in accordance with the lead body's Rules. If this approach requires any waivers of the lead body's Rules, it shall be that body's responsibility to seek approval for, and obtain, such waiver(s).

33. Procurement by Consultants

Any consultants used by the Council shall be appointed in accordance with these Contracts Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the consultants carry out any procurement in accordance with these Contracts Procedure Rules. No consultant shall make any decision on whether to award a contract or who a contract should be awarded to. The Authorised Officer shall ensure that the consultant's performance is monitored.

34. Contract Extension

34.1 Any contract which has been procured in accordance with these Rules may be extended in accordance with its terms (subject to financial resources) by the Director/Head of Service or Authorised Officer provided an extension clause was included for within the contract terms and conditions.

34.2 Other existing Contracts which have been procured in accordance with these Rules may be extended by the Director/Head of Service or Authorised Officer, provided that the total period of this and any previous extension will not together exceed 1 year. The authorised officer must keep a record of the reason for the decision to so extend. A formal Waiver of the Rules must be obtained if the proposed extension will add more than £20,000, or more than 20% (whichever is the higher) to the original total Contract value.

34.3 Any extension exceeding £100,000 in value shall require the approval of the Executive Cabinet or relevant Executive Cabinet Portfolio Member.

34.4 If the original contract was subject to the EU procurement regulations, the contract can only be extended within the parameters identified in the original EU contract notice. If

the contract was not subject to the EU procurement regulations, any extension must not take the total value of the contract above the relevant EU thresholds.

- 34.5 If the contract was awarded as a framework agreement, the total framework period, including any extensions, cannot exceed four years, except in exceptional circumstances relating to the subject of the framework agreement. For example, a longer duration could be justified in order to ensure effective competition if four years would not be sufficient to provide return on investment.
- 34.6 When negotiating a contract extension the authorised officer must make every effort to negotiate improved contract terms with regard to the cost and quality and shall always be satisfied that the extension will achieve Best Value for Money and is reasonable in all the relevant circumstances.
- 34.7 All extensions to any Council contracts must be in writing and reported to the Principal Procurement Officer in order that the Contracts Register can be updated accordingly.
- 34.8 Once a Contract has expired it cannot then be extended.

35 Variations

- 35.1 Variations to Contract shall be dealt with in accordance with these Contracts Procedure Rules and the Council's Financial Regulations.
- 35.2 All Contract variations must be carried out within the scope of the original Contract. Contract variations that materially effect or change the scope of the original Contract are not allowed.
- 35.3 All Contract variations must be in writing and signed by both the Council and the Contractor except where different provisions are made within the Contract documentation. The value of each variation must be assessed by the Authorised Officer and all necessary approvals sought prior to the variation taking place including registration on the Council's forward plan if applicable.
- 35.4 Contracts procured under the EU Regulations **must not** be extended or varied without first consulting Legal Services and the Principal Procurement Officer.
- 35.5 The Authorised Officer shall always be satisfied that the variation will achieve Best Value for Money and is reasonable in all the relevant circumstances.

36. Termination of Contract

- 36.1 For any contract exceeding £100,000 in value, termination shall be approved by the Executive Cabinet or Executive Cabinet Portfolio Member. In emergency situations, the relevant Director may authorise termination of Higher Value Contracts. In this case, full

details including the reason for the contract termination shall be reported back to Council at a later date.

36.2 Contracts of a lesser value than £100,000 may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the contract. Legal advice should be sought as appropriate.

37. Disposing of surplus goods

37.1 Heads of Service are responsible for the disposal of their own surplus goods and shall make adequate and safe arrangements to do so.

37.2 An appropriate competitive process shall be applied to the disposal of surplus goods, unless it has been agreed by the Head of Service that the goods in question are to be disposed of to a charitable/not-for-profit organisation, or disposal arrangements have been agreed within the original contract for purchase.

38 Concession Contracts

The rules apply to Concession Contracts (please refer to the Definitions at the back of this document). A simple example would be a concession to pitch an ice cream van and sell ice cream on council land.

39 Waivers of Contract Procedure Rules

39.1 Waivers of any of these contract Procedure Rules shall only be given in exceptional circumstances and in all cases must make clear which rules are being waived and be justified because:

- the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of the Rules is justifiable; or
- the contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
- there are other circumstances which are genuinely exceptional and not of the Council's own making.

39.2 For Higher Value Procurements, approval for waivers to the Rules must be obtained from Cabinet.

39.3 For intermediate value procurements, waivers may be granted by the appropriate Director/Head of Service, in consultation with the relevant Cabinet Member and the Legal Services Manager, prior to contract award.

39.4 An e-form will be developed for the purpose of requesting, securing and recording approval for Intermediate Value Waivers. This must be used on all occasions when it is available. In the meantime, a paper report should be produced and retained for this purpose.

39.5 Waivers may not be made retrospectively.

40. Non-Compliance

If it comes to the notice of an Authorised Officer that there has been non-compliance with these Contract Procedure Rules in respect of any contract for which s/he is responsible as the Authorised Officer of the procuring department, s/he shall without delay notify the Monitoring Officer who shall take such action as s/he deems necessary. Further if there is any discrepancy between the amount of the Contract Award and the amount actually paid then the matter should also be brought to the attention of the Monitoring Officer without further delay.

41. Change of Authorised Officer

If during the life of a contract there is a change in the Authorised officer who is leading on that particular contract then the outgoing officer should ensure that the new Authorised Officer is fully briefed on all relevant issues relating to that contract.

42. Review and Amendment of Contract Procedure Rules

The Monitoring Officer is responsible for keeping the Rules under review (with a formal review and if necessary revision every three years) and monitoring compliance.

43. Emergency Procedures

Where a need for urgent action arises between meetings of the Cabinet, but is not considered sufficient justification for calling a special meeting, such decision may be taken by the Chief Executive (or other designated officer) in accordance with the requirements of Standing Order Number 38 of the Council's Procedure Rules (standing Orders). Officers should refer to the Constitution or contact Legal Services for further advice and information.

DEFINITIONS

"Annual Procurement Plan"

A plan identifying major projects so that appropriate resources can be identified. It also provides a basis for PINs and other information provided to suppliers to give advance notice of bidding opportunities.

"Authorised Officer"

An Authorised Officer of the Council with appropriate delegated authority to act on the Council's behalf in accordance with the Constitution.

"Best Value for Money"

The optimum combination of whole life costs and benefits to meet the customer's requirement. Such term equates to the EU procurement requirement "most economically advantageous offer".

"Council"

"Council" means South Ribble Borough Council.

"Concession Contract"

A concession contract is used where the Council wishes to engage a party to provide a service, consideration for which is in the form of the party ("the concessionaire") being given a right to charge the public for the services being provided. A simple example would be a concession to pitch an ice cream van and sell ice cream on council land. If unsure as to whether a proposed contract would come within the scope of this definition please consult with the Legal Services Manager.

"Contract Award Procedure"

One of four procedures as set out in Contract Procedure Rules 13 (Open Procedure), 14 (Restricted Procedure), 15 (Negotiated Procedure or 16 (Competitive Dialogue Procedure).

"Contracts Finder"

Contracts Finder is the Government's one stop shop for suppliers to find new procurement opportunities totally free of charge, specifically referred to in the 2015 Public Procurement Regulations

"Contracts Register"

A register held and maintained by the Principal Procurement Officer containing details of contracts entered into by the Authority.

"Framework Agreement"

An agreement which allows the Council to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non-binding offer with no obligations on the Authority to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed.

“Grant Funded Contract”

shall mean a contract which is procured by the Council and is funded or part funded by grant monies.

“ITN”

Invitation to negotiate.

“ITT”

Invitation to tender.

“Key Decision”

A key decision is defined as any decision in relation to a Cabinet function which is likely:

- (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant. The financial threshold above which expenditure/savings become significant is set at £100,000. This financial threshold is applicable to both the revenue and capital budgets.
- (b) to be significant in terms of its effect on the communities living in an area comprising two or more Council wards.

“Legal Services Manager”

Legal Services Manager or authorised deputy.

“Local Supplier”

Any Supplier within the South Ribble borough or any neighbouring borough.

“Most Economically Advantageous Offer”

From the Council's perspective the most economically advantageous offer from a Supplier assessed by reference to relevant evaluation criteria linked to the subject matter of the contract in question for example, quality, price, technical merit, aesthetic and functional characteristics, running costs, cost effectiveness, after sales service and technical assistance, delivery date and delivery period or period of completion.

“OJEU”

Official Journal of the European Union.

PURCHASING CONSORTIUM

A group of public sector bodies which aggregate their requirements and by doing so exact greater leverage from the market. With the agreement of suppliers, if permissible, the consortium may offer its contracts to other local authorities or public bodies.

“Regulations”

The UK regulations implementing the EC public procurement directives.

"RFQ"

Request for quotations.

"STANDING OR APPROVED LISTS OF CONTRACTORS"

A method of procurement where a list of suppliers is drawn up in response to an advertisement in the relevant trade/local press/ website(s). The potential contractors are vetted using the responses to the Pre-Qualification Questionnaire (PQQ) and the list is then used to select specific suppliers for individual contracts. Care needs to be taken to ensure that the list is carefully managed so that it does not become out dated and that it fully represents the range of innovative solutions that may be available in the market.

"Supplier"

Any person or body of persons providing, or seeking to provide, supplies, services or works to the Council.

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SOUTH RIBBLE BOROUGH COUNCIL CONTRACT PROCEDURE RULES

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Contract Procedure Rules

1. Introduction

- 1.1 These Rules form part of the Council's Constitution and are the Council's Contract Procedure Rules for purchasing goods, works and services for the Council. They do not apply to internal purchases or internal service provision, only where you need to buy something from outside the council.
- 1.2 The Rules apply to any contract that results in a payment being made by the Council as well as to some types of contracts where a service is being provided for the Council which results in some income being generated for the Council.
- 1.3 The Rules also apply to the disposal of surplus goods (see paragraph 37) and to Concession Contracts (Paragraph 38).
- 1.4 The Rules also apply when an external body, authority, company, consultant or other person has been engaged to carry out procurement or disposal on behalf of the Council.
- 1.5 Quotations for grant funded contracts for goods, services or works, where they are procured by the Council, should be invited, in accordance with these rules, except to the extent that any specific requirements for the receipt of the grant specify different requirements, in which case the specific grant procedures must be followed, and the procurement completed in accordance with the relevant grant procedural requirements.
- 1.6 The Rules have four main purposes:
 - to comply with the obligations that govern the spending of public money derived from the European Union (EU) procurement regime and applied in the UK through the Public Contracts Regulations (2015);
 - to obtain Best Value in the way we spend money, so that we may in turn offer better and more cost effective services to the public;
 - to avoid corruption and ensure high ethical standards;
 - to protect people who follow the Rules.
- 1.7 The Rules must be read in conjunction with the Council's Financial Procedure Rules, Procurement Guidance and any other internal controls laid down by the Council for example the Council's Anti-Fraud and Corruption Policy and Whistle Blowing policy.

2 Compliance

- 2.1 Every contract entered into by the Council shall be entered into in connection with the Council's functions and must comply with:
 - (a) all relevant statutory provisions;
 - (b) the relevant European procurement rules (i.e. the EC Treaty, the general principles of EC law and the EC public procurement directives implemented by the UK Regulations);
 - (c) the Council's Constitution including these Contract Procedure Rules, the Authority's Financial Regulations and Financial Procedure Rules and the Council's Scheme of Delegation
 - (d) the Council's vision, priorities, enabling strategies and policies (e.g. Corporate Plan, Procurement Strategy and Sustainable Procurement Policy)

- 2.2 At all times during the contract award procedure, the Council, through its members and officers, shall consider and implement the principles of non-discrimination, equal treatment and transparency.
- 2.3 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. Members shall comply with the Code of Conduct for Councillors, and officers shall comply with the Code of Conduct for Officers.
- 2.4 Effective audit trails must be maintained at all stages throughout the procurement procedure, particularly when approval or agreement is required and at evaluation/decision making stages.

3. Conflicts of Interest, Gifts & Hospitality

- 3.1 Every officer entitled to buy supplies, services or works shall comply with the requirements of the Officer Code of Conduct in respect of conflicts of interest, gifts and hospitality.

4. Procurement Plan

- 4.1 Prior to the start of each financial year, each Director must prepare a procurement plan setting out their department's contracts to be procured (over £10,000) during that financial year, and where possible for forthcoming years. A copy of the plan must be supplied to the Principal Procurement Officer who shall use this information to formulate an Annual Procurement Plan for the Council.
- 4.2 Any procurements planned with a contract value of £75,000 or above should be communicated to Democratic Services for inclusion on the Forward Plan.

5. Who has authority to carry out procurement on behalf of the Council?

- 5.1 Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council's Constitution (Scheme of Delegation). Officers with delegated authority may only authorise other officers who have the appropriate skills and knowledge appropriate to the task. Officers shall be informed by his/her Director/Service Head, in writing, of the extent of any delegated authority and any applicable financial thresholds for each procurement. These officers shall be known as Authorised Officers.

5.2 Revenue Expenditure

Subject to the provisions of Paragraph 5.5, Directors and their Authorised Officers may seek Tenders and Quotations in accordance with these Contracts Procedure Rules for any item of revenue expenditure for which budget provision has been made, and may accept such Tenders/ Quotations in accordance with these Contracts Procedure Rules, up to a total contract value of £75,000. Contract awards above £75,000 constitute a Key Decision and Cabinet Authority must be sought for such acceptance.

5.3 Capital Expenditure.

Subject to the provisions of Paragraph 5.5, Directors and their Authorised Officers may seek Tenders and Quotations in accordance with these Contracts Procedure Rules, the particulars of which are shown as approved in the Council's capital programme for the current financial

year and which have also been approved/comply with any additional requirements of the Council's Financial Regulations. Directors and their Authorised Officers may accept Tenders / Quotations in accordance with these Contracts Procedure Rules and the Council's Financial Regulations up to a total contract value of £75,000. Contract awards above £75,000 constitute a Key Decision and Cabinet authority must be sought for such acceptance.

- 5.4 Any procurement which involves the transfer of Council Staff shall be treated as a High Value (above £75,000) Procurement and, as such, Cabinet authority must be sought for such acceptance.
- 5.5 For all High Value Procurements above the EU threshold, prior approval of the proposed contract award procedure including the evaluation criteria and weightings to be applied, shall be sought from the relevant Executive Cabinet Portfolio Member as a delegated decision.

6. Exempt Contracts

6.1 The Rules do not apply to the following types of Contract:

- (a) individual contracts for the provision of temporary staff. (The arrangements with staffing agencies, however, should be subject to a competitive procurement process in accordance with these Contracts Procedure Rules)
- (b) contracts of employment which make an individual a direct employee of the Council
- (c) contracts relating solely to disposal or acquisition of an interest in land (including buildings)

If you are in any doubt about whether the Rules apply, you **must** always check with the Principal Procurement Officer.

7. Pre-Procurement Procedure

7.1 Before commencing a procurement it is essential that the Authorised Officer leading the procurement has identified the business need and fully assessed any options for meeting those needs. Consideration shall be given to the Council's Procurement Strategy, Sustainable Procurement Policy and procurement guidance, as appropriate.

7.2 Before undertaking a procurement the Authorised Officer shall:

- (a) consider all other means of satisfying the need (including recycling and reuse where appropriate);
- (b) prepare an estimate of expenditure in accordance with Rule 8;
- (c) satisfy themselves that they have the necessary authority to deal with the procurement and that there is budget provision for the procurement in accordance with the provisions of Rule 5
- (d) undertake a risk assessment
- (e) complete an Equality Impact Assessment where any change in service provision is proposed that will have Equality Impacts
- (f) establish a business case for the procurement and consider whether the procurement should follow the Council's Project Management Framework/Toolkit. Procurements

which may benefit from use of the toolkit are usually higher value and are:

- unique, new or complex leading to significant system, process or service changes,
- impact on numerous services
- have a significant reputational impact on the Council

If you are unsure as to whether the Project Management Framework should apply, you should consult the Policy and Performance Advisor for a decision.

The level of resource and detail deployed in carrying out the requirements of 7.1 and 7.2 shall be appropriate to the nature and the value of the Procurement.

8. Calculating the Contract Value

- 8.1 Prior to commencing any procurement you must estimate the total monetary value of the contract (exclusive of VAT) over its full duration, including any extension options (not the annual value). The estimated total value of the contract will determine which procedure you must then adopt.
- 8.2 Where the duration of a contract is for an indefinite period, or where its term cannot be defined, the contract value should be taken to be the estimated value of the contract over a period of four years. This rule shall not apply to contracts with an indefinite period where the annual value is below £10,000. Such contracts shall be subject to an annual review.
- 8.3 Circumstances may arise where a number of low value contracts of the same type, for regular, routine, similar goods or services for similar goods or services are given to one Contractor within a 12 month period. In this case, 12 months expenditure should be aggregated to determine which procedure should be followed. When the value of those contracts is aggregated the effect may be to move the total purchase from one value band to another. This may mean that a different procurement method has to be followed to comply with these rules, or it may be necessary to seek a waiver of these rules in such circumstances.
- 8.3.1 The requirement to aggregate under the circumstances described at 8.3 will not apply where The Authorised Officer identifies that the spend activity is:
- (a) unknown or unplanned and therefore cannot be specified at the commencement of the 12 months period or
 - (b) of a similar general category but is so varied that it would be impractical or difficult to specify, the aggregate annual value is less than £20,000, and a blanket discount arrangement, schedule of rates or other such general framework agreement would be impractical and lead to additional cost.
- 8.3.2 In any event, the Authorised Officer shall ensure that best value is achieved, make best use of the Council's purchasing power by aggregating where appropriate, undertake periodic review of the procurement decision, and keep appropriate records including the reason for any decision not to aggregate, throughout.
- 8.4 Authorised Officers should make the best use of the Council's purchasing power by aggregating purchases wherever possible
- 8.5 Contracts must comply with the Public Contracts Regulations and must not be artificially split to avoid these Rules or the Regulations

- 8.6 If, following calculation of the estimated value, the low value route (below) £10,000 is used, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued at over £10,000, the matter shall be referred initially to the Director/ Head of Service for approval who shall consult the Legal Services Manager. Provided that the preferred offer is within 10% of the pre-quote estimate, and the Director/Head of Service and the Legal Services Manager are of the opinion that a robust exercise with an appropriate level of competition has been carried out, with a genuine pre-tender estimate, they may collectively approve the contract award.
- 8.7 If, following calculation of the estimated value, the intermediate route (below £75,000) is selected, and, after evaluating in accordance with the evaluation criteria, the preferred offer is valued at over £75,000, then the matter shall be referred initially to the Director/ Head of Service for approval who shall consult the Legal Services Manager. The Director/Head of Service and the Legal Services Manager shall be given full details including how the estimated value was calculated, the amount of the estimated value, the value of all quotations received and the evaluation model applied leading to selection of the preferred offer. Provided that the preferred offer is within 10% of the pre tender estimate and the Director/Head of Service and the Legal Services Manager are of the opinion that a robust exercise has been carried out with a genuine pre-tender estimate, they may collectively recommend that the process be continued under the High Value route and that full details of the process followed be included in the subsequent report requesting approval for the award decision to be submitted to Cabinet.

9. Low Value Procurement: Below £10,000

- 9.1 Where the estimated value or amount of the proposed contract is less than £10,000, The Authorised Officer shall ensure that best value is achieved and that the arrangements made secure the best available terms for the Council. Good practice would be to obtain written or electronic quotations (including at least one local supplier where possible); however, evidenced verbal quotations are acceptable. The Authorised Officer should ensure that the number and type of quotations received are appropriate and proportionate to the contract risk and value.
- 9.2 The purchase order must be made on an official purchase order and shall specify the services, supplies or works to be provided and set out the price and terms of payments.
- 9.3 Two authorised officers must be involved in the ordering and receiving process.
- 9.4 Every purchase order (whether issued as a result of higher, intermediate or lower value procurements) **must** contain the current approved standard form of terms and conditions of contract between the Council and the supplier. A quotation and a purchase order will create a legally binding contract.

10. Intermediate Value Procurement: £10,000 to £75,000 (Quotations)

- 10.1 For procurements valued over £10,000 but at or below £75,000 at least 3 Request for Quotations shall be invited through the Council's e-procurement portal "The Chest", before a formal purchase order is issued specifying the supplies, services or works to be provided.
- 10.2 Where an Intermediate Value procurement is above £25,000 in value, and is openly advertised, the 2015 Public Contracts Regulations require that the opportunity is also advertised on the Government one stop shop "Contracts Finder". Additionally, for all contract awards above £25,000, whether the opportunity was openly advertised or not, a Contract Award Notice must be published on Contracts Finder. In both instances, the notices must include the specific details listed in the Regulations, and in both instances, these notices may be accommodated through the Chest.

- 10.3 At least one local supplier should be included in the suppliers to be invited to quote where possible.
- 10.4 Invitations to quote shall:
- (a) specify or refer to a specification of the goods, materials, services or work required and
 - (b) state the date and time by which the quotation must be received and
 - (c) include the instructions for submission and state that no quotation will be considered unless it is received in accordance with those instructions.
 - (d) have the evaluation criteria set out in the invitation to Quote. All quotations shall be evaluated in accordance with the evaluation criteria set out in the quotation documents. All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Economically Advantageous offer to the Council.
- 10.5 Where the risk in a specific procurement is perceived to be high, then that procurement shall be treated as a High Value Procurement.
- 10.6 Any procurement that may involve a transfer of Council staff shall be treated as a High Value Procurement.

11. High Value Procurements: Above £75,000 (Tenders)

- 11.1 All Procurements with a cumulative value of over £75,000 shall be classed as High Value Procurements.
- 11.2 Additionally any contract where Council employees may be transferred to other bodies or where risk in the procurement is perceived to be high shall be treated as a High Value Procurement.
- 11.3 All high value procurements must be advertised on the Council's e-procurement portal "The Chest".
- 11.4 In addition to advertising on the Chest, all High Value procurements shall be advertised on the Government one stop shop "Contracts Finder" in accordance with the 2015 Public Contracts Regulations. Additionally, for these procurements, a Contract Award Notice must also be published on Contracts Finder. In both instances, the notices must include the specific details listed in the Regulations, and in both instances, these notices can be accommodated through the Chest.
- 11.5 Nothing in these Rules prevents you from adopting any aspect of the High Value Procurement procedures in the procurement of intermediate or lower value supplies, works or services.

12. Contracts Subject to the Regulations: Above the EU Threshold

- 12.1 Where the estimated value of a contract exceeds the current EU threshold the contract shall be tendered in accordance with the Regulations. Under the Regulations, the contract may be tendered under the Open, Restricted, or, in exceptional circumstances exhaustively set out in

the Regulations, the Competitive Procedure with Negotiation, Competitive Dialogue or Innovation Partnership procedure. For each contract tendered in accordance with the Regulations, a contract notice shall be published in the prescribed form in the Supplement to the Official Journal to the European Union (OJEU) to invite tenders or expressions of interest

Advertisements published in addition to the OJEU notice must not appear in any form before a contract notice is published by the EU Publications Office and must not contain any information additional to that contained in the contract notice.

12.2 With effect from 1 January 2016 the EU thresholds are as follows:

- (a) Services contracts £164,176;
- (b) Schedule 3 (Social & Other Specific) services contracts £589,148
- (c) Supplies contracts £164,176; and
- (d) Works contracts £4,104,394

The EU thresholds set out above are revised by the European Commission every two years.

12.3 The EU Directives and UK Regulations are long and complex, and set out minimum timescales for receipt of expressions of interest and tenders. Officers **must** consult the Shared Procurement Team and Legal Services department prior to commencing any procurement which is subject to the Regulations.

13. Suitability Assessment & Pre-Qualification (Not to be used when procuring from a Framework agreement as suppliers on framework agreements are already pre-qualified)

13.1 In all procurements the Council shall only enter into a contract with a Contractor if it is satisfied as to the Contractor's –

- (a) eligibility
- (b) economic and/or financial standing
- (c) technical and/or professional ability

The level and detail of assessment shall be proportionate to the risk and value of the contract. Shared Financial Services shall be consulted for all procurements above £100,000 for the completion of an appropriate financial assessment, prior to contract award.

13.2 A pre-qualification stage is not permitted in any procurement below the EU threshold for Goods and Services. (currently £164,176 for calendar years 2016/17. -This threshold is updated every two years.) However, suitability assessment questions relating to a potential provider may be asked provided that the questions are relevant and proportionate to the subject matter of the procurement.

13.3 A pre-qualification stage may be used in above EU threshold contracts. However, in all instances, statutory guidance published by Crown Commercial Service (CCS) must be followed. This includes use of a core set of standardised questions. For further information and advice, Authorised Officers should contact the Shared Procurement Team.

13.4 Where appropriate, bidders may self-certify during the tender/ quotation process, with relevant
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and proportionate checks only being carried out on the shortlisted bidder.

- 13.5 Any procurement subject to the Regulations shall be in full compliance with those Regulations and the statutory Crown Commercial Service guidance. The Regulations stipulate what must and/or may be taken account of, in assessing eligibility, economic and financial standing and technical and/or professional ability.

14 The Invitation to Tender

- 14.1 The ITT shall include details of the Authority's requirements for the particular contract including:
- (a) a description of the services, supplies or works being procured;
 - (b) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
 - (c) instructions for completing and returning the tender documentation
 - (d) notification that tenders received after the closing date and time will not be considered
 - (e) a specification and instructions on whether any variants are permissible;
 - (f) the Council's terms and conditions of contract
 - (g) the evaluation criteria including any weightings as considered appropriate;
 - (h) pricing mechanism and instructions for completion;
 - (i) whether the Council is of the view that TUPE may apply;
 - (j) form and content of method statements to be provided
 - (k) rules for tender submission;
 - (l) any further information which will inform or assist tenderers in preparing tenders.

15. Submission, Receiving and Opening of E-Tenders/Quotations through the Chest

- 15.1 Every response to an invitation to tender/quote for a transaction valued over £10,000 must be submitted through the Chest by no later than the time and date specified for submission of tenders/quotations in the invitation to tender/quotation document.
- 15.2 The Principal Procurement Officer or Authorised deputy shall verify (remove the e-seal) and release all tenders and quotes to the Authorised Officer once the deadline for their receipt has passed. This verification role may be given to a suitably trained Authorised Officer for intermediate value quotes.
- 15.3 The Chest will automatically record the date and time of receipt of each submission and will list late submissions separately. No quotations or tenders which have been received on to the Chest after the deadline for receipt has passed may be considered.
- 15.4 The Principal Procurement Officer or other Authorised Officer shall complete a Record of Tenders/Quotations Received form summarising the quotations received.
- 15.5 The Authorised Officer must notify the Principal Procurement Officer of the eventual outcome of the procurement exercise for entry into the Contracts Register by completing and submitting the final sections of the Record of Tenders/Quotations Received Form.
- 15.6 The closing date for the receipt of tenders/quotations may be extended, in appropriate circumstances, at the written discretion of the Legal Services Manager.
- 15.7 Tenders and Quotations shall not be opened until the deadline has passed for their receipt.

16. Traditional Hard Copy Tenders and Quotes (Exceptional Circumstances Only)

- 16.1 The Council's preferred method of tendering is by electronic means through the
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Chest. However, in very exceptional circumstances (e.g. contracts where there are items required, which cannot be submitted electronically), tenders and quotes may be submitted in hard copy format with the prior approval of the Legal Services Manager and the Principal Procurement Officer.

- 16.2 Tenders and Quotations received in accordance with Paragraph 16.1 shall be addressed to the Principal Procurement Officer, Shared Financial Services, Town Hall Market Street, Chorley, PR7 1DP in a sealed envelope endorsed with the word "Tender" or "Quotation" as appropriate, followed by the subject matter to which it relates. No marks shall be included upon the envelope that identifies the bidder prior to the opening of the envelope. The Principal Procurement Officer shall record the date and time of receipt of such Tenders and Quotations and shall keep them in a secure place where they shall remain unopened until the time and date specified for their opening.
- 16.3 Tenders and Quotations received in accordance with this paragraph 16 shall be opened by the Principal Procurement Officer or authorised Deputy and at least one other Authorised Officer. An immediate record shall be made of the Tenders/Quotations received including tenderer name, value, and the date and time of opening on the Record of Tenders/Quotes Received Form.

17. Evaluation

- 17.1 Tenders subject to the EU Regulations shall be evaluated in accordance with the Regulations and the evaluation criteria set out in the OJEU notice and invitation to tender. All other tenders and quotations shall be evaluated in accordance with the evaluation criteria notified to tenderers in the contract notice and/or invitation to tender or Quote.
- 17.2 All contracts, except where lowest price was predetermined to be the appropriate contract award criterion, shall be awarded on the basis of the offer which represents the Most Economically Advantageous Tender to the Council (MEAT).
- 17.3 MEAT evaluation involves scoring tenders objectively by a panel of officers and/or independent experts using criteria which should:
- be pre-determined and listed in the invitation to tender/quotation documentation in descending order of importance;
 - be weighted according to their respective importance (mandatory for High Value Tenders, optional for intermediate and low value procurement);
 - be strictly observed at all times throughout the tender process;
 - reflect the principles of Best Value;
 - include price;
 - adopt whole-life costing where appropriate, particularly in the case of capital equipment where the full cost of maintenance, decommissioning and disposal should be taken into account. Additionally the use of energy efficient products or the use of sustainable materials with a longer life span may impact on the whole life cost;
 - be capable of objective assessment;

- include, where applicable, the quality of the tenderers' proposals to accept a transfer of staff under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE); and
- avoid discrimination or perceived discrimination on the basis of nationality, or other cause contrary to any of the Council's policies.

Where this evaluation methodology is used, any resulting contract must be awarded to the tenderer which submits the most economically advantageous tender, i.e. the tender that achieves the highest score in the objective assessment.

- 17.4 The evaluation criteria must be consistently and strictly observed at all times through the contract award procedure by any officer involved in the tender evaluation process. The Authorised Officer must keep comprehensive records of the evaluation exercise including the scores and comments and justification for those scores and shall sign the final selection record.
- 17.5 For each contract above £75,000, the Authorised Officer shall form an Evaluation Team with responsibility for evaluating tenders. The Authorised Officer shall keep comprehensive written records of the evaluation exercise including the scores and comments and justification for those scores, and the lead officers of the evaluation team shall sign the final selection record.

18. Tender/Quotation Clarification

- 18.1 Bidders may request clarification on aspects of the Tender/Quotation documentation prior to submission by submitting a clarification question through the Chest. The Authorised Officer must ensure equal treatment of all bidders, and where relevant should anonymise the question and publish that together with the response to all potential bidders through the Chest. Care should be taken not to reveal the identity of the Tenderer or any information which may be deemed to be commercially confidential to them during the clarification process.
- 18.2 During the evaluation process, Authorised Officers may clarify aspects of a submitted Tender or a Quotation which are unclear, lacking in detail, ambiguous or appear to show a misunderstanding of the requirements. The areas requiring clarification should be set out in writing by the procurer and a written response requested from the bidder. All such communications should be issued or recorded through the Chest to ensure a full e-audit trail of the procurement.
- 18.3 For more complex service procurements where officers want to obtain a fuller understanding of bidders' proposals and method statements it may be appropriate to hold a clarification meeting. In such circumstances a formal written record of the meeting shall be completed and agreed by all parties. Minor points of clarification and obvious errors (e.g. mathematical error) should be dealt with in accordance with Clause 18.2 above and should not require a meeting.

When conducting clarification, as throughout the procurement process, the Procuring Officer must bear in mind the rules and principles of the EU Regulations i.e. transparency, equal treatment and non-discrimination.

19. Errors in Tenders/Quotations

- 19.1 Errors in Tenders/Quotations must be dealt with by asking the Tenderer to confirm the Tender as submitted or withdraw their bid. However, where a Tenderer has made a visible and genuine arithmetical error they may be given an opportunity to correct that error. Other than where specifically provided for in the Regulations (e.g. when using the Competitive Dialogue

procedure) no other adjustment, revision or qualification is permitted.

- 19.2 Tenders/Quotations must state how errors in Tenders/Quotations must be dealt with.
- 19.3 Careful consideration must be given to the effect of any procedure adopted when dealing with errors in Tenders and the reflection which any such procedure may have on the integrity on the officers and members of the Council. It is essential that the procedure adopted is transparent, fair and equitable with equal treatment to all bidders.

20 Post Tender Negotiation

- 20.1 Where procurement is conducted pursuant to the Regulations through either the Open or Restricted procedures no post tender negotiations are permitted. However, the Council may seek clarification from Suppliers where appropriate.
- 20.2 At all times during the procurement (whether subject to the Regulations or not), the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

21. Bonds, Guarantees and Insurance

- 21.1 For high value procurements, the Authorised Officer shall consider and include in the procurement documentation, whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred Supplier.
- 21.2 The Authorised Officer shall consider and include, where relevant, in the Tender documentation the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract.

22 Awarding Contracts

- 22.1 The Council shall only award a contract where at the time of contract award this represents the Most Economically Advantageous offer or is the lowest price depending on contract award criterion included in the OJEU notice or Invitation to Tender/Quote.
- 22.2 A contract must only be awarded and signed by a person authorised to do so, who must ensure that the appropriate budget holder has the funds in place to sustain the contract prior to award.
- 22.3 Directors/Heads of Service should ensure that proper records of all procurement activity are retained in electronic or hard copy format as appropriate.
- 22.4 All High Value contract award decisions and any which involve any potential transfer of the Council's employees shall be referred to Executive Cabinet.
- 22.5 Any procurement of £75,000 or more in value constitutes a key decision and must therefore be included in the relevant Forward Plan as described in the Council's Constitution, before the contract award decision is taken.
- 22.6 The highest standards of probity are required of all officers and members involved in the procurement, award and management of Council contracts. It is essential to maintain effective audit trails at all stages throughout the procurement procedure particularly where approval or agreement is required.

23 Standstill Period

- 23.1 For all contracts tendered under the Regulations, a ten calendar day (where electronic communication is used or 15 calendar days where non-electronic communication is used) 'standstill period' must be observed between the decision to award and contract conclusion. Although the Standstill period is counted in calendar days, it must end on a working day. Authorised Officers should consult the Shared Procurement Team for advice on the specific detail which must be included in Standstill Letters under the Regulations. The Standstill period is an express requirement in the Regulations and must be followed.

24. Contract Award Notice

- 24.1 All contracts awarded under the Regulations must be announced by means of a Contract Award Notice in OJEU transmitted no later than 30 calendar days after the date of the award.
- 24.2 All contracts awarded above £25,000 in value whether openly advertised or not must be published on Contracts Finder in accordance with the Regulations and published Crown Commercial Service (CCS) guidance.

25. Letters of Intent

- 25.1 Letters of intent shall only be used in exceptional circumstances and, by prior written agreement with the Legal Services Manager, as follows:
- (a) Where a Supplier is required to provide services, supplies or works prior to formal written acceptance by the Council; or
 - (b) Where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a tender shall bind the parties into a contractual relationship.

26. Contract Terms and Conditions

- 26.1 Contracts shall be entered into on the Council's terms and conditions, or an appropriate industry standard form of contract or other form of contract approved by Legal Services. This may be a supplier's contract suitably amended to protect the Council's interests. However where the contract has been tendered the contract shall be in accordance with the tender Conditions. The Contract Conditions shall be included with each purchase order and invitation to tender or negotiate.
- 26.2 Where contracts are subject to the Regulations, the rules relating to technical specifications shall be followed and any reference to a technical standard, make or type shall be prefaced with the words "or equivalent".

27. Execution of Contracts

- 27.1 Any contracts valued at above £75,000 shall be passed to Legal Services for sealing execution and secure storage, unless otherwise agreed with the Legal Services Manager. All other contracts may be signed by an officer with appropriate delegated authority
- 27.2 All contracts valued at above £20,000 but below £75,000 should be signed by at least two appropriately Authorised Officers.

- 27.3 All other contracts may be signed by an officer with the appropriate authority.
- 27.4 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Legal Services Manager.

28. Records of Tenders and Contracts/Contracts Register

- 28.1 Each Director/Head of Service shall maintain his/her own register of all contracts entered into by his/her department.
- 28.2 The Principal Procurement Officer shall maintain a register of all Higher Value and Intermediate value contracts entered into by the Council.
- 28.3 Authorised Officers shall notify the Principal Procurement Officer of all intermediate and high value contract awards for entry into the Contracts/ Transparency Register by completing and submitting the final sections of the Record of Tenders and Quotations Received Form.
- 28.4 Additionally the Authorised Officer must notify the Principal Procurement Officer of all contracts awarded, above £5000, as soon as possible after the Contract Award, for inclusion in the Contract/Transparency Register.

29. Approved / Standing List of Contractors

- 29.1 The Council may maintain Approved Standing lists of Suppliers that meet its suitability requirements. Quotations and tenders for contracts that are not subject to the Regulations may be invited from Suppliers included on an approved list. Where the Authority intends to use an approved list for services, supplies or works contracts, the Approved List should be reviewed and advertised on a regular basis.
- 29.2 Each Approved Standing List shall:
- (a) be compiled and maintained by the relevant Authorised Officer;
 - (b) contain the names of all persons who wish to be included in it and who after appropriate enquiries have been made by the Authorised Officer concerned, are approved by the Council or Cabinet as provided for in the scheme of delegation; and
 - (c) indicate whether a person whose name is included in it is approved for contracts for all, or only some, of the specified values or amounts or categories.
- 29.3 At least four weeks before each Standing List is first compiled, a notice inviting applications for inclusion in it shall be published on the Chest, and where relevant Contracts Finder
- 29.4 Each Standing List shall be amended as required from time to time to include new applications for inclusion and to delete any person no longer thought fit to be included. Each Standing List shall be formally reviewed in the manner set out below by the appropriate Director/ Head of Service at intervals not exceeding three years. At least four weeks before each review, each person whose name appears in the Standing List shall be asked whether s/he wishes his/her name to remain there. Notices inviting applications for inclusion in the list shall be published in the manner provided by Contract Procedure Rule 29.3 above.
- 29.5 Where an invitation to tender for a contract is limited to those named on the Standing List maintained under this Contract Procedure Rule, an invitation to tender for that contract shall be sent to at least four of the persons on the list. These people will be approved for a contract for that value or amount or of that category, or, if there are fewer than four such persons, to all such persons. If there are more than four people, the Authorised Officer, will select the people

who will receive invitations, and the manner in which they are sent. This will be either generally or in relation to a particular contract or to a category of contracts provided that the manner of selection shall include a system of rotation from persons appearing on the Standing List.

30. Nominated and Named Sub-contractors

If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main contractor, quotations or tenders must be invited in accordance with these Contracts Procedure Rules and the terms of the invitation shall be compatible with the main contract.

31 Framework Agreements

31.1 Framework agreements are agreements with suppliers for the provision of supplies, works or services on agreed terms for a specific period. Unlike normal contracts which require certainty (on price, quantity and other details), Framework Agreements usually state only non-binding estimated quantities against which orders are placed as and when required during the contract period (sometimes this procedure is known as “call-off”). As soon as the quantity/price etc are fixed and an order placed, a contract is formed. Frameworks offer benefits of bulk-buying, improved service and reduced administration costs over the period of the arrangement.

31.2 A framework agreement may have the option or requirement for you to hold a “further - competition” with all of the suppliers included on the framework who are capable of meeting your requirement. Quotations invited under a further competition shall be received and opened in accordance with these Contract Procedure Rules, unless received and opened by the public sector framework provider (e.g. Yorkshire Purchasing Organisation) on the Council’s behalf, who may receive and open such bids in accordance with their contract procedural rules.

31.3 All Framework agreements procured by the Council must be tendered in accordance with these Contract Procedure Rules.

31.4 Where the Council has entered into a Framework Agreement through procurement or is able to place orders from existing Framework Agreements procured by central government agencies, public sector consortia, other local authorities or other third parties, then the Council may benefit from using those contracts without entering into a full, separate procurement.

31.5 Where a public sector framework is used in accordance with the above provisions, without entering into a full, separate procurement process, all other relevant aspects of these procurement rules will still apply, including any approval which may be required for the procurement award procedure (in this case to use the identified framework), approval for the evaluation criteria and weightings (in the event of a further competition under the framework), and approval for the contact award prior to contract acceptance.

31.6 Authorised Officers shall investigate whether call-off contracts or frameworks are relevant to their procurement activity as better value for the Council may be obtained by using an existing Council or other framework.

31.7 Legal/Procurement Advice should be sought in advance before awarding a contract to a supplier using a framework agreement not procured directly by the Council.

31.8 Any appropriate Council Framework Agreements in place shall be used regardless of value, provided the standing order requirements in relation to delegated authority are met. An effective audit trail shall be maintained.

32. Joint / Collaborative Procurement

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- 32.1 Authority to engage in joint/ collaborative procurement activity shall be in accordance with the requirements of paragraph 5. However, in the event that the joint/ collaborative procurement activity requires a commitment at the outset, prior to bids being invited, Cabinet approval must be obtained prior to committing to the joint/ collaborative procurement where the estimated value of the Council's proportion of the procurement exceeds £75,000.
- 32.2 The Authorised Officer shall ensure that the joint/collaborative procurement activity complies fully with the EU Procurement Regulations
- 32.3 In any joint or collaborative procurement process the parties involved in the procurement should appoint a "lead body" to carry out the procurement. The procurement should then be conducted in accordance with the lead body's Rules. If this approach requires any waivers of the lead body's Rules, it shall be that body's responsibility to seek approval for, and obtain, such waiver(s).

33. Procurement by Consultants

Any consultants used by the Council shall be appointed in accordance with these Contracts Procedure Rules. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the consultants carry out any procurement in accordance with these Contracts Procedure Rules. No consultant shall make any decision on whether to award a contract or who a contract should be awarded to. The Authorised Officer shall ensure that the consultant's performance is monitored.

34. Contract Extension

- 34.1 Any contract which has been procured in accordance with these Rules may be extended in accordance with its terms (subject to financial resources) by the Director/Head of Service or Authorised Officer provided an extension clause was included for within the contract terms and conditions.
- 34.2 Other existing Contracts which have been procured in accordance with these Rules may be extended by the Director/Head of Service or Authorised Officer, provided that the total period of this and any previous extension will not together exceed 1 year. The authorised officer must keep a record of the reason for the decision to so extend. A formal Waiver of the Rules must be obtained if the proposed extension will add more than £10,000, or more than 20% (whichever is the higher) to the original total Contract value.
- 34.3 Any extension exceeding £75,000 in value shall require the approval of the Executive Cabinet or relevant Executive Cabinet Portfolio Member.
- 34.4 If the original contract was subject to the EU procurement regulations, the contract can only be extended within the parameters identified in the original EU contract notice. If the contract was not subject to the EU procurement regulations, any extension must not take the total value of the contract above the relevant EU thresholds.
- 34.5 If the contract was awarded as a framework agreement, the total framework period, including any extensions, cannot exceed four years, except in exceptional circumstances relating to the subject of the framework agreement. For example, a longer duration could be justified in order to ensure effective competition if four years would not be sufficient to provide return on investment.

- 34.6 When negotiating a contract extension the authorised officer must make every effort to negotiate improved contract terms with regard to the cost and quality and shall always be satisfied that the extension will achieve Best Value for Money and is reasonable in all the relevant circumstances.
- 34.7 All extensions to any Council contracts must be in writing and reported to the Principal Procurement Officer in order that the Contracts Register can be updated accordingly.
- 34.8 Once a Contract has expired it cannot then be extended.

35 Variations

- 35.1 Variations to Contract shall be dealt with in accordance with these Contracts Procedure Rules and the Council's Financial Regulations.
- 35.2 All Contract variations must be carried out within the scope of the original Contract. Contract variations that materially effect or change the scope of the original Contract are not allowed.
- 35.3 All Contract variations must be in writing and signed by both the Council and the Contractor except where different provisions are made within the Contract documentation. The value of each variation must be assessed by the Authorised Officer and all necessary approvals sought prior to the variation taking place including registration on the Council's forward plan if applicable.
- 35.4 Contracts procured under the EU Regulations **must not** be extended or varied without first consulting Legal Services and the Principal Procurement Officer.
- 35.5 The Authorised Officer shall always be satisfied that the variation will achieve Best Value for Money and is reasonable in all the relevant circumstances.

36. Termination of Contract

- 36.1 For any contract exceeding £75,000 in value, termination shall be approved by the Executive Cabinet or Executive Cabinet Portfolio Member. In emergency situations, the relevant Director may authorise termination of Higher Value Contracts. In this case, full details including the reason for the contract termination shall be reported back to Council at a later date.
- 36.2 Contracts of a lesser value than £75,000 may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the contract. Legal advice should be sought as appropriate.

37. Disposing of surplus goods

- 37.1 Heads of Service are responsible for the disposal of their own surplus goods and shall make adequate and safe arrangements to do so.
- 37.2 An appropriate competitive process shall be applied to the disposal of surplus goods, unless it has been agreed by the Head of Service that the goods in question are to be disposed of to a charitable/not-for-profit organisation, or disposal arrangements have been agreed within the original contract for purchase.

38 Concession Contracts

The rules apply to Concession Contracts (please refer to the Definitions at the back of this document). A simple example would be a concession to pitch an ice cream van and sell ice cream on council land.

39 Waivers of Contract Procedure Rules

39.1 Waivers of any of these contract Procedure Rules shall only be given in exceptional circumstances and in all cases must make clear which rules are being waived and be justified because:

- the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of the Rules is justifiable; or
- the contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
- there are other circumstances which are genuinely exceptional and not of the Council's own making.

39.2 For Higher Value Procurements, approval for waivers to the Rules must be obtained from Cabinet.

39.3 For intermediate value procurements, waivers may be granted by the appropriate Director/Head of Service, in consultation with the relevant Cabinet Member and the Legal Services Manager, prior to contract award.

39.4 An e-form will be developed for the purpose of requesting, securing and recording approval for Intermediate Value Waivers. This must be used on all occasions when it is available. In the meantime, a paper report should be produced and retained for this purpose.

39.5 Waivers may not be made retrospectively.

40. Non-Compliance

If it comes to the notice of an Authorised Officer that there has been non-compliance with these Contract Procedure Rules in respect of any contract for which s/he is responsible as the Authorised Officer of the procuring department, s/he shall without delay notify the Director of Corporate Governance and Business Transformation (Monitoring Officer) who shall take such action as s/he deems necessary.

41. Review and Amendment of Contract Procedure Rules

The Monitoring Officer is responsible for keeping the Rules under review (with a formal review and if necessary revision every three years) and monitoring compliance.

42. Emergency Procedures

Where a need for urgent action arises between meetings of the Cabinet, but is not considered sufficient justification for calling a special meeting, such decision may be taken by the Chief Executive (or other designated officer) in accordance with the requirements of Standing Order Number 38 of the Council's Procedure Rules (standing Orders). Officers should refer to the Constitution or contact Legal Services for further advice and information.

DEFINITIONS

“Annual Procurement Plan”

A plan identifying major projects so that appropriate resources can be identified. It also provides a basis for PINs and other information provided to suppliers to give advance notice of bidding opportunities.

“Authorised Officer”

An Authorised Officer of the Council with appropriate delegated authority to act on the Council’s behalf in accordance with the Constitution.

“Best Value for Money”

The optimum combination of whole life costs and benefits to meet the customer’s requirement. Such term equates to the EU procurement requirement “most economically advantageous offer”.

“Council”

“Council” means South Ribble Borough Council.

“Concession Contract”

A concession contract is used where the Council wishes to engage a party to provide a service, consideration for which is in the form of the party (“the concessionaire”) being given a right to charge the public for the services being provided. A simple example would be a concession to pitch an ice cream van and sell ice cream on council land. If unsure as to whether a proposed contract would come within the scope of this definition please consult with the Legal Services Manager.

“Contract Award Procedure”

One of four procedures as set out in Contract Procedure Rules 13 (Open Procedure), 14 (Restricted Procedure), 15 (Negotiated Procedure) or 16 (Competitive Dialogue Procedure).

“Contracts Finder”

Contracts Finder is the Government’s one stop shop for suppliers to find new procurement opportunities totally free of charge, specifically referred to in the 2015 Public Procurement Regulations

“Contracts Register”

A register held and maintained by the Principal Procurement Officer containing details of contracts entered into by the Authority.

“Framework Agreement”

An agreement which allows the Council to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non binding offer with no obligations on the Authority to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed.

“Grant Funded Contract”

shall mean a contract which is procured by the Council and is funded or part funded by grant monies.

“ITN”

Invitation to negotiate.

“ITT”

Invitation to tender.

“Key Decision”

A key decision is defined as any decision in relation to a Cabinet function which is likely:

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(a) to result in the Council incurring expenditure which is, or the making of savings which are, significant. The financial threshold above which expenditure/savings become significant is set at £75,000. This financial threshold is applicable to both the revenue and capital budgets.

(b) to be significant in terms of its effect on the communities living in an area comprising two or more Council wards.

“Legal Services Manager”

Legal Services Manager or authorised deputy.

“Local Supplier”

Any Supplier within the South Ribble borough or any neighbouring borough.

“Most Economically Advantageous Offer”

From the Council’s perspective the most economically advantageous offer from a Supplier assessed by reference to relevant evaluation criteria linked to the subject matter of the contract in question for example, quality, price, technical merit, aesthetic and functional characteristics, running costs, cost effectiveness, after sales service and technical assistance, delivery date and delivery period or period of completion.

“OJEU”

Official Journal of the European Union.

PURCHASING CONSORTIUM

A group of public sector bodies which aggregate their requirements and by doing so exact greater leverage from the market. With the agreement of suppliers, if permissible, the consortium may offer its contracts to other local authorities or public bodies.

“Regulations”

The UK regulations implementing the EC public procurement directives.

“RFQ”

Request for quotations.

“STANDING OR APPROVED LISTS OF CONTRACTORS”

A method of procurement where a list of suppliers is drawn up in response to an advertisement in the relevant trade/local press/ website(s). The potential contractors are vetted using the responses to the Pre-Qualification Questionnaire (PQQ) and the list is then used to select specific suppliers for individual contracts. Care needs to be taken to ensure that the list is carefully managed so that it does not become out dated and that it fully represents the range of innovative solutions that may be available in the market.

“Supplier”

Any person or body of persons providing, or seeking to provide, supplies, services or works to the Council.

REPORT TO	ON
Council	27 September 2017

September 2017



TITLE	REPORT OF
Review of Constitution – Council Terms of Reference and Members	Interim Corporate Governance Manager

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

At their meeting on the 13 September 2017 Members of the Governance Committee considered the attached report in relation to amended Terms of Reference for full Council, including the role of the Mayor and Elected Members. All amendments to the Constitution require full Council approval.

2. RECOMMENDATIONS

2.1 That Council approves the proposed Terms of Reference for full Council, including the role of the Mayor and Elected Members, at Appendix A

4. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

5. BACKGROUND TO THE REPORT

5.1 The new Terms of Reference for full Council at Appendix A have been re written to update and make more comprehensive the existing terms of reference. It includes a review of the Policy Framework documents at section 4. These are the most important plans and strategies which require the approval of full Council and will then guide the work of Cabinet as part of the Budget and Policy Framework. Other sections deal with the work of the Mayor and of Elected Members.

6. GOVERNANCE COMMITTEE RECOMMENDATIONS

6.1 Members of the Governance Committee approved the recommendations within the report, subject to minor amendments to Appendix A which have now been incorporated into the document in italics.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the report.

7.2 Comments of the Monitoring Officer

All local authorities are required to have a written constitution which must be kept under regular review and publicised. Any amendments to the Constitution require the approval of full Council.

<p>Other implications:</p> <ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity ▶ HR & Organisational Development ▶ Property & Asset Management ▶ ICT / Technology 	<p>The Terms of Reference for full Council are a key part of the Council’s Constitution and overall governance framework. It is important these are kept up to date and regularly reviewed. Failure to comply with the requirement for Council approval of a particular decision may affect its legality.</p> <p>There are no specific equality or diversity implications arising from this report.</p> <p>There are no specific HR or OD implications arising from this report.</p> <p>There are no specific Property and Asset Management implications arising from this report.</p> <p>There are no specific ICT/ Technology implications arising from this report.</p>
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8. BACKGROUND DOCUMENTS

South Ribble Constitution
Report to the Governance Committee

SMT Member’s Name: Caroline Elwood
Job Title: Interim Governance Manager

Report Author:	Telephone:	Date:
Caroline Elwood Interim Governance Officer	01772 625454	September 2017

REPORT TO	ON
Governance Committee	13 of September 2017

Jan 2017



TITLE	AUTHOR
Review of Constitution – Council Terms of Reference & Members	Interim Governance Manager

1. PURPOSE OF THE REPORT

1.1 At their meeting on the 1 February 2017 the Governance Committee resolved to review the Council's Constitution.

1.2 This report provides Members the opportunity to comment and amend the proposals to amend the Terms of Reference for full Council, including the role of the Mayor and Elected Members, within the Constitution the prior to submission to the Council for approval at the meeting in September 2017.

2. RECOMMENDATIONS

That Members consider and amend the proposals to amend the Terms of Reference for full Council, including the role of the Mayor and Elected Members as set out in **Appendix A** prior to the submission to the Council for approval in September 2017.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

4. BACKGROUND TO THE REPORT

4.1 All Councils are required to have a written Constitution which sets out the Council's internal governance arrangements, approved procedures and protocols. As part of the Corporate Governance Action Plan 2016/17 Members of the Governance Committee agreed to carry out a thorough review of the Constitution in order to ensure that the Constitution is as clear as possible, completely up to date and fit for purpose.

4.2 The new draft Terms of Reference for full Council at **Appendix A** have been re written to update and make more comprehensive the existing terms of reference. This includes a review of the Policy Framework documents at section 4. These are the most important plans and strategies which require the approval of full Council and which then guide the work of the Cabinet as part of

the Budget and Policy Framework. Other sections deal with the role of the Mayor and of Elected Members.

4.3 The draft will replace three documents, Articles 2, 4 and 5 (**Appendix B**) which dealt with Members of the Council, Council Meeting and the Mayor respectively.

4.4 The Governance Committee Working Group considered the proposed Terms of Reference at its meeting on the 29th of August 2017. Some minor changes to the document have been made since then – for your ease of reference such changes are highlighted in red.

5. COUNCIL MEETINGS & MEMBERS

5.1 The draft at **Appendix A** deals with the following issues:

Paragraph	Content	Justification
1. Full Council	Short summary of the role of full Council.	New section
2. Membership	<ul style="list-style-type: none"> • Sets out membership of all 50 elected members. • Notes Mayor presides over meeting and links to the procedural requirements • Sets out and links to different types of Council meetings 	New section
3. Terms of Reference	Detailed section setting out full terms of reference of full Council. Including <ul style="list-style-type: none"> • Approving Constitution, Budget & Policy Framework • Appointing Leader & Mayor • Appointing to Committees & Outside Bodies • Approving Member Code of Conduct and Scheme of Allowances • Appointing statutory officers • Conferring Freedom of Borough 	Replaces Article 4 and updates current list of terms of reference to comply with new legislation.

4. Policy Framework & Partnership Plans	Sets out full list of those plans and strategies which form the Policy Framework & the key partnership documents which Council should adopt	Updates wording within current version
5. The Budget	Definition of the Council Budget and links to the development of the Budget through the Budget and Policy Framework Procedure Rules	Updates definition.
6. Role and Function of Mayor	Sets out the various roles of the Mayor including: <ul style="list-style-type: none"> • Ceremonial • Promoting the Borough • Chairing Council Outlines the Mayor may not be a member of Cabinet but may sit on (but not chair) other committees.	Replaces former Article 5 within original version. Updates wording.
7. Election and Terms of Members	Short explanation of 4 yearly election cycle and a summary of the role & responsibilities of elected members.	Replaces former Article 2 Simplifies wording

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

6.2 Comments of the Monitoring Officer

All local authorities are required to have a written Constitution which must be kept under regular review and publicised. Any amendments to the constitution require the approval of full Council.

Other implications:	
Risk	There are no specific risk implications arising from this report
Equality	There are no specific equality implications arising from this report
HR	There are no specific HR implications arising from this report

7. BACKGROUND DOCUMENTS

South Ribble Constitution

Appendix A – New draft Council Terms of Reference for Council & Members

Appendix B- Articles 2, 4 and 5

2A - Council Meetings & Members

1. Full Council

- 1.1 The 50 members of the Council all meet together as full Council to decide the most important policies and to set the budget each year. At the annual meeting the Council elects the Mayor, appoints Committees and agrees their terms of reference. The meeting is presided over by the Mayor and run according to formal rules of debate.

2. Membership

- (a) **Membership.** All 50 members.
- (b) **Chairing the Council.** The Mayor presides over meetings of full Council and provides guidance as necessary in relation to any procedural requirements.
- (c) **Procedural Requirements.** The Council Procedure Rules at section 4A of the Constitution set out the detailed rules which govern Council meetings, including the rules of debate, the order of business and public participation.
- (d) **Types of Council Meetings.** There are three types of Council meetings:
- Annual Meeting (including Mayoral Installation and First Business Meeting of the Municipal Year)
 - Ordinary Council Meetings
 - Special or Extraordinary Meetings

3. Terms of Reference

- (a) To adopt or change the Constitution
- (b) To approve the annual Council Budget and the Medium Term Financial Plan
- (c) To approve the Policy Framework (see para 4.1) and the strategies and policies that sit within it
- (d) To make decisions on executive functions which are contrary to the policy framework, or contrary to, or not wholly in accordance with, the budget. This is subject to the urgency provisions set out in section x of the Constitution

- (e) To appoint or remove the Executive Leader of the Council and to receive his or her scheme of delegation for executive functions
- (f) To appoint the Mayor and Deputy Mayor
- (g) To agree the Councils scheme of delegation including establishing Committees of the Council, agreeing their terms of reference, deciding on their composition and making appointments to them, including any co-opted or Independent Members
- (h) To appoint representatives to outside bodies subject to a report from the Monitoring Officer (unless the appointment is an executive function or has been delegated by the Council)
- (i) To approve the Schedule of Dates of Meetings for Council
- (j) To approve, adopt or revoke a Members' Allowances Scheme
- (k) To agree the Code of Conduct for Elected members and the appointment of an Independent Person under the Localism act 2011
- (l) To approve the Scheme of Delegation to Officers
- (m) To confirm the appointment of the Head of Paid Service
- (n) To designate the roles of Head of Paid Service, Monitoring Officer and Chief Financial Officer under the relevant legislation
- (o) To approve the dismissal of the Head of Paid Service, Monitoring Officer or Chief Financial Officer. Before deciding whether to or not to approve dismissal account must be taken of:
 - Any advice views or recommendations of the Independent Persons
 - The conclusions of any investigation
 - The representations of the Officer
- (p) To confirm the appointment of the Returning Officer
- (q) To determine the location of polling places and polling districts within the Councils electoral wards
- (r) To agree joint arrangements for non - executive functions where the Council is to discharge the functions of another authority
- (s) To make, amend, revoke, re-enact, or adopt bylaws and promote or oppose the making of local legislation or personal Bills

- (t) To approve the adoption of *Conservation areas, Conservation Area Character Appraisals and Management Plans*
- (u) To approve *Interim Planning Guidance and Supplementary Planning Documents (if not Development Plan Documents)*
- (v) To approve the *Council's Annual Pay Policy Statement*
- (w) To make any decision not to issue *Casino Premises Licences within the Borough*
- (x) To determine which local choice functions will be discharged by full Council (*see Local Authority (Functions & Responsibilities) (England) Regulations 2000*)
- (y) To confer the title of *Honorary Alderman or Freedom of the Borough*
- (z) To change the *Councils Governance arrangements*
- (aa) To change the *Name of the Area*
- (bb) To determine all other matters which, by law, must be reserved to Council.

4. Policy Framework and Partnership Plans

4.1 The policy framework means the following plans and strategies:-

- *Corporate Plan and Annual Performance Report*
- *Medium Term Financial Strategy*
- *Treasury Management Strategy*
- *Development Plan documents, including the Local Plan*
- *Asset Management Plans*
- *Licensing Gambling Policy*
- *Statement of Licensing Policy (Licensing Act 2003)*
- *Taxi Licensing Policy*
- *Homelessness Strategy*
- *South Ribble Strategic Housing Framework*
- *Any other plan or strategy where the Council determines that any decision on its adoption or approval should be taken by it rather than the Cabinet.*

4.2 The Council is responsible for the adoption of the Policy Framework and individual plans and strategies.

4.3 The Policy Framework is developed in line with the Budget and Policy Framework Procedure Rules at Part x.

4.4 Council will also adopt the following strategic partnership documents:

- Partnership Community Safety Strategy
- South Ribble Partnership Sustainable Community Strategy
- Central Lancashire Economic Development Strategy
- Lancashire Waste Strategy

5. The Budget.

5.1 The budget includes the allocation of revenue and capital financial resources to services and projects, and the transfers to/from reserves and contingencies, the level of balances, and the grants available from Government.

5.2 It also includes the processes of approving the Council Tax base, setting the Council Tax for the forthcoming financial year, and decisions relating to the control of the Council's borrowing requirement and the control of its capital expenditure. *For decisions as to the setting of virement limits see the Financial Regulations.*

5.3 The Council will normally approve the annual Treasury Management Strategy as part of the Budget.

5.4 The Budget is developed in line with the Budget and Policy Framework Procedure Rules at Part x.

6 Role and function of the Mayor

6.1 The Mayor will be elected by the full Council at the Mayoral Installation ceremony in May each year and has the following roles and functions:

(a) Ceremonial Role. As the first citizen of the Borough to represent the Council at events of a civic or ceremonial nature, whether organised by the Council or some other body.

(b) Promotion of the Borough. To promote public involvement with the Borough and the Council as a whole, in partnership with the Leader, and act as a focal point for the local community.

(c) Chairing of Council. When presiding over meetings of full Council the Mayor will:

- uphold the Constitution, and provide guidance to the meeting as necessary in relation to any procedural requirements
- conduct the meeting in such a way that its business is carried out efficiently having regard to the rights of members and the interests of the community
- ensure that the Council meeting is a forum for the debate of matters of concern to the local community, and the place at which members who are not on the Cabinet are able to hold the Cabinet to account and any other members of

Council who hold positions of responsibility, for example as Chairman of a Committee or a nominee onto an outside body

6.2 Legally the Mayor may not be a member of Cabinet but may sit on (although not chair) other committees. For the sake of clarity the Deputy Mayor may also not be a member of the Cabinet.

6.3 When acting in the capacity of Mayor he or she will be expected to support the tradition of neutrality expected of the post holder.

6.4 In the absence of the Mayor the Deputy Mayor will undertake his or her duties and responsibilities.

7. Election and Terms of Members

7.1 The regular election of members will be held on the first Thursday in May every four years (although on rare occasions the date may be altered to coincide with other National or European Elections). The term of office of members will start on the fourth day after being elected and will finish on the fourth day after the next regular election.

7.2 Members are democratically accountable to residents in their Ward. Members' have a duty to their constituents including those who did not vote *for them* or indeed did not vote at all but their overriding duty is to the whole community of South Ribble.

7.3 All members will:

- Collectively (through the Council) be the ultimate policy makers and to approve the strategies and plans forming the Council's budget and policy framework
- Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities
- Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances
- Balance different interests identified within their ward and represent the ward as a whole;
- Be involved in decision making
- Be available to represent the Council on other bodies
- Maintain the highest standards of conduct and ethics, including upholding the Council's Member Code of Conduct

7.4 Rights and Duties of Members

- Members have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;

- Members should not make public any information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it; and
- For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in **Part x** of this constitution.

Article 2 – Members of the Council

2.01 The Council

- (a) **Composition.** The Council comprises 50 councillors (members). Members are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State. Council elections are held every four years and councillors serve for that four year period. In May 2015, and in line with proposals from the Local Government Commission, the size of the Council was reduced from 55 to 50 members, with 19 two member wards and four three member ward.
- (b) **Eligibility.** Only registered voters of the district or those living or working in the borough will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

Election and terms. The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all councillors

(a) Key roles

All councillors shall:

- (i) collectively be the ultimate policy-makers for the Council;
- (ii) contribute to the good governance of the area and actively encourage community participation and action and involvement in decision making;
- (iii) lead and champion the interests of the local community and effectively represent the interests of their ward and of individual constituents;
- (iv) develop and maintain a good knowledge of their ward and Council;
- (v) develop and maintain strong positive relationships with local people by meeting; communicating and liaising with them regularly and involving and consulting them on local issues, decisions that affect them and opportunities in the community;
- (vi) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (vii) respond to constituents' enquiries and representations fairly and impartially;
- (viii) be available to represent the Council on other bodies and submit reports on the activities of bodies upon which they represent the Council as required;
- (ix) represent the Council to the community and the community to the Council and support fellow councillors; and
- (x) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) Councillors have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;

- (ii) Councillors should not make public any information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it; and
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in **Part 4C** of this constitution.

2.04 Conduct

Councillors and town and parish councillors have a statutory duty to observe the Code of Conduct for Elected Members (see Part 5A). Councillors are also expected to work within the Council's protocols (see Part 5C).

2.05 Allowances

Councillors are entitled to receive allowances in accordance with the Scheme of Members' Allowances, as set out in Part 6.

Article 4 – Council Meeting

4.01 Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies:-

- Asset Management Plan;
- Community Safety Strategy;
- Sustainable Community Strategy;
- Corporate Plan;
- Equality, Diversity and Community Cohesion Strategy;
- Financial Strategy;
- Treasury Management Strategy;
- Housing Investment Programme - (including the Plan and Strategy);
- Local Area Agreement;
- Local Development Framework, excluding those elements which make up the Local Development Scheme; and
- Sustainability and Climate Change Strategy.

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, contingency funds, reserve funds, setting the Council tax, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the Council

Only the Council will exercise the following functions:

- (a) adopting and changing the constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Rules in Part 4C of this constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/ or not wholly in accordance with the budget;
- (d) electing the Executive Leader at the first business meeting of the municipal year for a period of four years;
- (e) agreeing and/or amending the terms of reference for committees, the Members' Remuneration Panel and the Forward Editorial Panel and deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies subject to a report from the Monitoring Officer;
- (g) adopting a scheme of members' allowances under Article 2.05;
- (h) changing the name of the area;
- (i) conferring the title of honorary alderman or freedom of the borough;
- (j) agreeing the appointments panel to appoint the head of paid service;
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) all local choice functions set out in Part 3 of this constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- (m) agreeing the Code of Conduct for Elected members and the Protocols as set out in Part 5; and
- (n) all other matters which, by law, must be reserved to Council.

4.03 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting (mayoral installation);
- (b) ordinary meeting; and
- (c) extraordinary meeting.

Council meetings must be conducted in accordance with the Council Procedure Rules (Standing Orders) as set out in Part 4A, of this constitution.

Article 5 – The Mayor

5.01 Role and function of the Mayor

In accordance with Section 11(7) of the Local Government Act 2000, the Mayor and Deputy Mayor shall not be members of the Cabinet.

The Mayor and in his/her absence, the Deputy Mayor, has the following roles and functions:

5.02 Ceremonial Role

The Mayor presides at such civic and ceremonial occasions as the Council deems appropriate. The Mayor also acts as first citizen of the borough and should always represent the Borough of South Ribble in a fit and proper manner.

The Mayor also attends functions within the borough, and on occasions outside the borough, at the request of the organisers of the particular function and represents the Council on each and every occasion.

5.03 Chairing the Council Meeting

The Mayor will be elected by the Council annually. The Mayor has the following responsibilities at Council meetings:

- i) to uphold and promote the purposes of the constitution, and to interpret the constitution when necessary;
- ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold to account the Cabinet members and any other member of the Council who hold positions of responsibility e.g. chairman of a committee, or is a Council representative on an outside body;
- iv) in partnership with the Leader of the Council, to promote public involvement in the Council's activities; and
- v) to be the conscience of the Council.

5.04 Chairing other Committee Meetings

The Mayor shall be able to sit on but not chair other committees.

REPORT TO	ON
Council	27 September 2017

September 2017



TITLE	REPORT OF
Review of Constitution – General Licensing Committee and Licensing Act Committee	Interim Governance Officer

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

At their meeting on the 13 September 2017 Members of the Governance Committee considered the attached report in relation to amended Terms of Reference for both the General Licensing Committee and the Licensing Act Committee. All amendments to the Constitution require full Council approval.

2. RECOMMENDATIONS

2.1 That members note the report and recommendations.

2.2 That the Chairman of the Governance Committee updates Council at the meeting following the meetings of the General Licensing Committee and the Licensing Act Committee on the 19 September 2017.

4. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe	Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire	Efficient, effective and exceptional council	√

5. BACKGROUND TO THE REPORT

5.1 As part of the ongoing review of the Constitution there is a need to review the terms of reference for both the General Licensing Committee and the Licensing Act Committee. The review also takes into consideration the independent review of the Licensing Service by Commissioner Mary Ney.

5.2 The report is also due to be considered by the both the General Licensing Committee and the Licensing Act Committee at their meetings on the 19 September 2017.

6. GOVERNANCE COMMITTEE RECOMMENDATIONS

6.1 Members of the Governance Committee broadly welcomed the proposals but agreed to delegate the final decision to the Chairman and Vice Chairman to recommend the wording for approval to the Council meeting following the meeting of both Licensing Committees.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

There are no financial implications arising from the report.

7.2 Comments of the Monitoring Officer

The Licensing Committee has the power to delegate its functions to a subcommittee for hearings. This should enable a more effective and streamlined approach..

<p>Other implications:</p> <ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity ▶ HR & Organisational Development ▶ Property & Asset Management ▶ ICT / Technology 	<p>The review of the terms of reference is important given the recent focus on the Licensing service as a whole and it is particularly important to give due regard to the views of the independent review of the Licensing Service by Commissioner Mary Ney in taking forward any proposals.</p> <p>There are no specific equality or diversity implications arising from this report.</p> <p>There are no specific HR or OD implications arising from this report.</p> <p>There are no specific Property and Asset Management implications arising from this report.</p> <p>There are no specific ICT/ Technology implications arising from this report.</p>
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8. BACKGROUND DOCUMENTS

South Ribble Constitution
Report to the Governance Committee

SMT Member’s Name: Caroline Elwood
Job Title: Interim Governance Manager

Report Author:	Telephone:	Date:
Caroline Elwood Interim Governance Officer	01772 625454	September 2017

REPORT TO	ON
Governance Committee	13 September 2017

Jan 2017



TITLE	AUTHOR
Review of Constitution - General Licensing Committee and Licensing Act Committee	Interim Governance Manager

1. PURPOSE OF THE REPORT

1.1 At their meeting on the 1 February 2017 the Governance Committee resolved to review the Terms of Reference for the General Licensing Committee and the Licensing Act Committee as part of their overall review of the Constitution. It is the intention to introduce a more streamlined system for hearings of the General Licensing Committee with the introduction of smaller Sub-Committees.

1.2 This report provides Members with the opportunity to comment on the proposals prior to their submission to the Council for approval at their meeting on 27th of September 2017. Unfortunately Licensing Committee(s) do not meet to discuss these proposals until the 19th of September 2017 – hence delegated authority is sought for the Chair and Vice Chair of this committee to finalise the decision (in the context of any comments being made from the Licensing committee(s)) prior to consideration by Full Council.

2. RECOMMENDATIONS

2.1 That Members consider and comment on the proposed new Terms of Reference for General Licensing Committee and Licensing Act Committee

2.2 The final decision be delegated to the Chairman and Vice Chairman to recommend the wording for approval to the Council meeting on the 27th of September 2017 subject to any comments/views being made by the Licensing committee(s) on the 19th of September

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

4. BACKGROUND TO THE REPORT

4.1 As part of the general ongoing review of the Constitution there is a need to review the terms of reference as it relates to both of our Licensing committees – General Licensing and Licensing Act.

4.2 As a result of previous difficulties encountered by the Licensing function, during early 2017 the Council requested that Commissioner Mary Ney (a senior manager at Rotherham Council with considerable experience in the transformation of Licensing services) undertake an independent review of the service. Commissioner Ney visited the Council on 21 – 23 March 2017, when she

carried out a range of activities intended to enable her to better understand the Council's approach to the licensing of Private Hire / Hackney Carriage vehicles, drivers and operators. These included interviews with senior Council officers and members, as well as attending a meeting of the General Licensing Committee on 21 March.

4.3 On 23 March Commissioner Ney presented her review of the Council's taxi licensing function to an audience which included members of the General Licensing Committee, as well as other officers and members. Whilst Commissioner Ney found much about which she could speak positively, one of the areas she felt could be made more robust related to the conducting of hearings (where the Committee sits as a quasi-judicial body to determine the suitability of an applicant / driver to hold a licence with this authority under the statutory "fit and proper" test). Commissioner Ney noted that the Committee currently sat as a full committee during such hearings; this could involve up to 11 members sitting in deliberation at any one time.

4.4 Local authorities across the country conduct licensing hearings for taxi-related matters in a variety of ways, ranging from the use of a full committee to delegation to a single senior officer (although the trend is generally towards the use of smaller rather than larger bodies to conduct proceedings). Each system has its own merits, and it is clear that the current South Ribble approach has the advantage of full member involvement in the process, with all members of the Committee playing a part in each decision.

4.5 However, it is also considered that the current system has certain disadvantages including:

- the large number of members in attendance makes it hard for the committee to develop and sustain a co-ordinated line of questioning (especially in cases where the driver / applicant may be unwilling to engage or the allegation is of a particularly sensitive nature);
- the number of members present in a formal environment may intimidate some drivers / applicants and therefore undermine the committee's attempts to gather information from the person in front of them; and
- larger meetings are administratively unwieldy, requiring a large number of members to attend each hearing session. This problem will be exacerbated by the more proactive approach to Licensing enforcement which the Council has now adopted, with an increased number of hearings more likely in future.

5. EXISTING CONSTITUTIONAL ARRANGEMENTS

5.1 A copy of the Council's current Terms of Reference for both the General Licensing Committee and the Licensing Act Committee is attached as Appendix 1. Members may consider this document to be brief and not fully reflective of the Committee's wider role and responsibilities.

6. PROPOSED NEW ARRANGEMENTS

6.1 In view of the above concerns it is proposed to adopt revised Terms of Reference for both the General Licensing Committee and the Licensing Act Committee. The draft Terms of Reference for the General Licensing Committee and the Licensing Act Committee are attached as Appendices 2 and 3 respectively.

6.2 As part of the process of revising the General Licensing Committee's Terms of Reference, it is also proposed to introduce a new and more streamlined system for hearings. It is proposed that in future:

- hearings should be heard by a Sub-Committee Panel consisting of 5 members only, drawn from the General Licensing Committee;

- in order to ensure consistency of approach across all the hearings which take place, each Sub-Committee Panel should be chaired by either the Chair or Vice Chair of the Licensing Committee;
- other member vacancies on the Sub-Committee Panels would be filled on a rota basis to ensure that all members continue to play a positive role in the practical work of the Committee and contribute to its output; and
- it is suggested that – for matters concerning taxi licensing but not liquor licensing - members (other than the Chair/Vice-Chair of the Panel depending on availability) should be allocated in accordance with political balance.

6.3 In all other respects, the agreed procedures for Sub-Committee Panels of the General Licensing Committee would remain the same as for a hearing at full committee, eg Legal Services will attend and draft the Decision Notice and the Licensing Manager will present details of the allegations.

6.4 This new suggested approach would:

- enable members' attendance at hearings to be pulled together more speedily and flexibly in order to prevent a backlog of hearings building up, as has occurred in the recent past;
- bring the hearing process into line with that of the majority of other licensing authorities, very few of whom are now seen to hold hearings at full committee level; and
- free up the main committees to strengthen their strategic role in the development of policy.

6.5 It is important to note that the above proposal for 5 member panels only relates to the General Licensing Committee and does not extend to the panels convened under the Licensing Act 2003. Section 9(1) of the 2003 Act states that:

“A licensing committee may establish one or more subcommittees consisting of three members of the committee.”

As a statutory requirement, the Council does not intend to alter its current approach and the use of 3 member panels will be retained for the Licensing Act Committee. As with Sub-Committees Panels for the General Licensing Committee, the panels for the Licensing Act Committee will be chaired by the Chair or Vice-Chair of the main committee.

6.6 Essentially we are now looking at two new documents. The main provisions with regard to the General Licensing Committee are as follows:

Heading	Summary	Rationale
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1. General Licensing Committee	General Introduction	Short Explanatory introduction – slightly expanded to existing wording
2. Membership	Sets out the rules for membership of the Committee including the requirement for political proportionality	Within current version.
3. Terms of Reference	Sets out more detailed Terms of Reference	A more thorough set of terms of reference is set out to bring greater clarity. References to Health and Safety are removed as they are not considered relevant.
4. Delegation to Sub-Committee	Sets out scope of proposed delegation (see paras 6.1 – 6.6 above)	Essentially new wording to reflect the proposals set out in the report
5. Terms of Reference for Sub-Committee	Sets out the terms of reference for the proposed new Sub-Committees (see paras 6.1 – 6.6 above)	Essentially new wording to reflect latest proposals

6.7 The main provisions with regard to the Licensing Act Committee are:

Heading	Summary	Rationale
1. Licensing Act Committee	General Introduction	Short Explanatory introduction.
2. Membership	Sets out the rules for membership of the Committee	Within current version.
3. Terms of Reference	Sets out new Terms of Reference	New text but essentially reflects current practice
4. Delegation to Sub-Committee	Sets out the Scope of Delegation – this is based on the Licensing Act 2203 and essentially happens now	New text but essentially reflects current practice
5. Terms of Reference for Sub-	Sets out the Terms of Reference for	New text but essentially reflects

Committee/Panel	the Sub-Committee/Panel - this essentially happens now	current practice
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7. TIMESCALES & PRACTICAL IMPLICATIONS

- 7.1 As has already been explained these new documents still require the approval of the Licensing committee(s) – they will be considered on the 19th of September. If at all possible though we would like to get these documents approved by Full Council on the 27th of September – hence the reason for the current report.
- 7.2 If the move to Sub-Committee Panels for the General Licensing Committee is confirmed, there will be a need for officers to amend current procedures and documentation accordingly.

8. CONCLUSION

- 8.1 If adopted, the proposal to adopt revised Terms of Reference will update the Council's constitutional arrangements for both the General Licensing Committee and the Licensing Act Committee. The proposed introduction of 5 member panels for hearings under the remit of the General Licensing Committee would provide a modern and streamlined approach to the conducting of hearings. Whilst the General Licensing Committee's workload in this regard is difficult to quantify in advance, it is undoubtedly increasing and the new structure would provide a more flexible and agile approach.
- 8.2 Members of the General Licensing Committee would still be actively involved through their roles on the Sub-Committee Panels as allocated, as well as retaining an overall responsibility for policy development in an area of key importance for the authority.

9. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

9.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

9.2 Comments of the Monitoring Officer

The Licensing Committee has the power to delegate its functions to a Sub-Committee for hearings. This should enable a more effective and streamlined approach.

<p>Other implications:</p> <ul style="list-style-type: none"> • Risk • Equality • HR 	<p>The introduction of smaller Sub-Committee Panels could potentially lead to members becoming disengaged from the Licensing process. However, this will be overcome by regular scheduled attendance on Panels (the number of which is likely to increase overall), whilst the overall responsibility for policy development is still retained.</p> <p>None</p> <p>None</p>
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10. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – existing Terms of Reference
Appendix 2 – proposed Terms of Reference (General Licensing Committee)
Appendix 3 – proposed Terms of Reference (Licensing Act Committee)

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APPENDIX 1

2F General Licensing Committee & Licensing Act Committee

1. General Licensing Committee

Appointed by Council at the first business meeting of the municipal year to deal with taxi and miscellaneous licensing matters

2. Membership

- a) **Political Balance.** The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989
- b) **Membership.** 11 Members
- c) **Chairing the Committee.** Chairman to be appointed by the Council at the first business meeting of the new municipal year.

3. Terms of Reference

1. Taxi and miscellaneous licensing

Functions relating to licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 but excluding those functions relating to licensing under the provisions of the Licensing Act 2003 and the Gambling Act 2005.

2. Health and safety

Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer

2. Licensing Act Committee

Appointed by Council at the first business meeting of the municipal year to deal with liquor licensing, gambling and matters relating to Scrap Metal Dealers.

2. Membership

- a) **Political Balance.** The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989

b) **Membership.** 11 Members

c) **Chairing the Committee.** Chairman to be appointed by the Council at the first business meeting of the new municipal year.

3. Terms of Reference

1. Functions relating to licensing under the Licensing Act 2003.
2. Functions relating to gambling under the Gambling Act 2005.
3. Functions relating to licensing under the Scrap Metal Dealers Act 2013.

General Licensing Committee

1. General Licensing Committee

Appointed by Council at the first business meeting of the municipal year.

The General Licensing Committee will sit as a full committee and is responsible for dealing with the Council's taxi licensing and other specific licensing functions.

2. Membership

a) Political Balance

The General Licensing Committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.

b) Membership

11 members

c) Chairing the Committee

Chairman to be appointed by the Council at the first business meeting of the new municipal year.

3. Terms of Reference

The General Licensing Committee will be responsible for overseeing, developing and approving taxi licensing policy (with the exception of matters reserved by statute to Council or the Cabinet).

This includes:

- a) overseeing the processes to determine the application of the statutory "fit and proper" test, and vehicle age policy, to ensure public safety within the Borough;
- b) all functions of the Council relating to applications for private hire, hackney carriage and miscellaneous licences;
- c) receiving reports on these matters, and on the functions delegated to the Taxi and Miscellaneous Panels and to officers. To call for a report on any individual case;
- d) determining the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- e) exercising the functions of the Taxi Licensing and Miscellaneous Sub-Committee Panels in any case referred to the Committee by its Chair, or by the Chair of a Taxi Licensing and Miscellaneous Sub-Committee Panel, on the grounds of its special significance or difficulty;

- f) meeting with representatives of the licensed taxi trades to discuss matters of concern;
- g) setting fees and charges (subject to their formal adoption by full council);
- h) presenting an annual report on the work of the General Licensing Committee to Council; and
- i) in a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the General Licensing Committee who are re-elected as Councillors shall meet as the General Licensing Committee to exercise any of the functions of the Taxi Licensing and Miscellaneous Sub-Committee Panels, or under (e) above, and shall elect a Chair for the meeting.

Excluded from the General Licensing Committee's terms of reference are:

- (a) any functions specifically delegated to the Licensing Act Committee, or those Licensing Act functions statutorily referred to the Cabinet and the full Council (including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy); and
- (b) the functions delegated to the Taxi Licensing and Miscellaneous Sub-Committee Panels as set out below, except where referred back to the Committee under sub-paragraph 3(e) above.

4. Delegation to Sub-Committee - Taxi Licensing and Miscellaneous Sub-Committee Panel

This sub-committee is a Sub-Committee Panel of the General Licensing Committee, appointed by that Committee under the Local Government Act 1972.

The General Licensing Committee has arranged under S101(1) of the Act for the discharge of such of the Council's functions as are within the Sub-committee Panel's terms of reference in Section 5 below.

Certain functions are delegated by the Taxi Licensing and Miscellaneous Sub-Committee Panel to officers. These are identified in the Scheme of Delegation which can be found in the Constitution.

5. Taxi Licensing and Miscellaneous Sub-Committee Panel - Terms of Reference

Sitting as a Sub-Committee Panel comprising of 5 members (drawn from the full Committee on a politically proportionate basis):-

The Chair of the Taxi Licensing and Miscellaneous Sub-Committee Panel will be the Chair or Vice Chair (depending on availability) of the General Licensing Committee.

The Sub-Committee Panel will carry out the following functions:-

Except for matters of Policy, to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including (but not limited to) the matters set out immediately below and also subsequently in Paragraph 5:

- a) where evidence exists to cast doubt on whether the applicant / driver is a fit and proper person, the Sub-Committee Panel may determine all matters relating to the grant, renewal or review of taxi licences (which, in the interest of clarity, in these Terms of Reference shall include hackney carriage and private hire vehicle driver and operator licences), and to suspend or revoke taxi licences in accordance with legislation;
- b) in cases where the Director has on public safety grounds revoked with immediate effect a taxi licence, to determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked;
- c) except for matters of Policy to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including but not limited to the matters set out below:
 - i) power to license hackney carriages and private hire vehicles;
 - ii) power to license drivers of hackney carriages and private hire vehicles;
 - iii) power to license operators of hackney carriages and private hire vehicles;
 - iv) power to license sex shops and sex cinema and sex entertainment venues; and
 - v) power to grant medical exemption from the obligation to provide support to wheelchair users and/or carry assistance dogs and
 - vi) power to license scrap metal dealers

Paragraph 5

Schedule 1B – Local Authorities (Functions and Responsibilities) (England)

Regulations 2000

(Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule))

The list below relates to the exercise of specialist legislation including (but not exclusively) the following, subject to the functions not being Council functions as set out above:

1. Power to license hackney carriages and private hire vehicles.
 - (a) as to hackney carriages, the [Town Police Clauses Act 1847 \(10 & 11 Vict. c. 89\)](#), as extended by section 171 of the [Public Health Act 1875 \(38 & 39 Vict. c. 55\)](#), and section 15 of the [Transport Act 1985 \(c. 67\)](#); and sections 47, 57, 58, 60 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57\)](#);
 - (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
2. Power to license drivers of hackney carriages and private hire vehicles.
 - Sections 51, 53, 54, 59, 61 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).
3. Power to license operators of hackney carriages and private hire vehicles.
 - Sections 55 to 58, 62 and 79 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#).

4. Power to grant medical exemption from obligation to transport assistance dogs Sections 168-173 of the Equalities Act 2010
5. Power to grant medical exemption from requirement to provide support for wheelchair users Section 165 and 167 of the Equalities Act 2010
6. Power to determine suitability of scrap metal dealers to hold a licence (site licence or mobile collector) and to set fees as appropriate Scrap Metal Dealers Act 2013
7. Power to license persons to collect for charitable and other causes. Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)(31).
8. Power to issue a street trading licence Local Government (Miscellaneous Provisions) Act 1982
9. Power to issue cinema and cinema club licences. Section 1 of the Cinema Act 1985 (c. 13).
10. Power to license sex shops and sex cinemas. The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.

Licensing Act Committee

Appendix 3

1. Licensing Act Committee

Appointed by Council at the first business meeting of the municipal year.

The Licensing Act Committee will sit as a full committee and is responsible for dealing with the Council's Liquor Licensing, Gambling Act and other specified functions.

This is a Committee of the Council appointed by the Council under Section 6 of the Licensing Act 2003.

The Council has arranged under Section 7 of the 2003 Act and S101 of the Local Government Act 1972 for the discharge by the Committee of such of the Council's functions, as specified in the Local Authorities (Functions and Responsibilities) Regulations 2000-Schedule 1B as amended, and to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003.

2. Membership

a) Political Balance

The committee is not required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.

b) Membership

11 members

c) Chairing the Committee

Chairman to be appointed by the Council at the first business meeting of the new municipal year.

3. Terms of Reference

Sitting as the Licensing Act Committee, to oversee, develop and approve licensing policy (with the exception of matters reserved by statute to Council or the Cabinet).

This includes:

- a) responsibility for monitoring the operation of licensable activities under the Licensing Act 2003 and the Gambling Act 2005 within the Borough;
- b) receiving reports on these matters and on the functions delegated to the Licensing Act 2003 Sub-Committee Panels and to officers. To call for a report on any individual case;
- c) being consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;

- d) setting fees and charges as required and (subject to Regulations) to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
- e) determining the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- f) exercising the functions of the Licensing Act Sub-Committee Panels in any case referred to the Committee by its Chair, or by the Chair of a Licensing Act Sub-Committee Panel on the grounds of its special significance or difficulty;
- g) presenting an annual report on the work of the Licensing Act Committee to Council; and
- h) in a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Licensing Committee who are re-elected as Councillors shall meet as the Licensing Committee to exercise any of the functions of the Licensing Act Sub-Committee Panels, or under (f) above, and shall elect a Chair for the meeting.

Excluded from the Licensing Act Committee's terms of reference are:

- (a) The functions statutorily referred to the Cabinet and the full Council including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy; and
- (b) The functions delegated to the Licensing Act Sub-Committee Panels as set out below, except where referred back to the Committee under sub-paragraph 3(f) above.

4. Delegation to Sub-Committee – Licensing Act 2003 Sub-Committee Panel

- a) This is a sub-committee of the Licensing Act Committee, appointed by the Committee under the Licensing Act 2003.
- b) The Licensing Act Committee has arranged under Section 9 of that Act to delegate its day to day decision making on such matters to the Sub-Committee Panel of such of the Council's functions as set out in the terms of reference below.
- c) Certain functions are delegated by the Sub-Committee Panel to officers. These are identified in the Scheme of Delegation which can found in the Constitution.
- d) The Sub-Committee Panel shall consist of 3 members and will be drawn from the full Licensing Act Committee on an ad-hoc basis. The Chair of the Sub-Committee Panel will either be the Chair or Vice Chair (depending on availability) of the Licensing Act Committee.

5. Licensing Act Sub-Committee Panel – Terms of Reference

Sitting as a Sub-Committee Panel comprising of 3 members, the Sub-Committee Panel will carry out the following functions:-

Except for matters of Policy, to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003 and Gambling Act 2005, including (but not limited to) the matters set out immediately below and also subsequently in Paragraph 5:

Licensing Act 2003

Except for matters of Policy, to undertake all functions, powers and duties conferred by the Licensing Act 2003 including (but not limited to) the matters set out below:

- a) Power to determine applications for personal licences;
- b) Power to determine applications for premises licences and club premises certificate;
- c) Power to determine applications for variation of premises licence and club premises certificates;
- d) Power to determine applications for transfer of premises licences;
- e) Power to review premises licence and club premises certificates; and
- f) Power to determine police or Environmental Health objections to temporary event notices.

Gambling Act 2005

Where representations on the following applications have been received and not withdrawn, to determine applications:

- a) for premises licences;
- b) for variation of premises licences;
- c) for transfer of premises licences;
- d) for a provisional statement;
- e) for club gaming or club machine permits; and
- f) the cancellation of club gaming or club machine permits.

In addition, the Sub-Committee Panel will:

- g) decide whether to give a counter notice to a temporary use notice;
- h) take "action" under Section 202 where the review is heard by the committee;
- i) exercise its power to register pool betting operating licence;
- j) exercise its power to grant track betting licences;
- k) exercise its power to licence inter-track betting schemes;
- l) exercise its power to grant gaming and betting machine licences;
- m) exercise its power to register societies wishing to promote lotteries; and
- n) exercise its power to issue premises licences and to receive temporary use notices.

In these matters, the decision of a Sub-Committee Panel will represent that of the full Committee.

Paragraph 5

Schedule 1B – Local Authorities (Functions and Responsibilities) (England)

Regulations 2000

(Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule))

The list below relates to the exercise of specialist legislation including (but not exclusively) the following, subject to the functions not being Council functions as set out above:

- | | |
|---|--|
| 1. Power to register pool promoters. | Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2)(12). |
| 2. Power to grant track betting licences. | Schedule 3 to the Betting, Gaming and Lotteries Act 1963(13). |
| 3. Power to license inter-track betting schemes. | Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963(14). |
| 4. Power to grant permits in respect of premises with amusement machines. | Schedule 9 to the Gaming Act 1968 (c. 65)(15). |
| 5. Power to register societies wishing to promote lotteries. | Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32)(16). |
| 6. Power to grant permits in respect of premises where amusements with prizes are provided. | Schedule 3 to the Lotteries and Amusements Act 1976(17). |
| 7. Power to license night cafes and take-away food shops. | Licensing Act 2003 |

REPORT TO	ON
COUNCIL	27 th September 2017

Jan 2017



TITLE	REPORT OF
Transformation Fund	Interim Corporate Improvement Manager

Is this report confidential	No
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1. PURPOSE OF THE REPORT

To seek approval of Council to establish a Transformation Fund of £500,000 to invest in transformation activities.

2. RECOMMENDATIONS

- (i) That Council approves the use of the Council's General Reserves to establish a Transformation Fund of £500,000

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	✓

4. BACKGROUND TO THE REPORT

The Council is facing significant budgetary challenges and is striving to become financially self-sufficient by 2019-20.

Although we have continued to respond to the needs and aspirations of our communities and have recently been voted as the best place to live in the UK, we recognise the need to change the way that we are organised and do business, to make us a Council that is fit for the future.

Our Medium Term Financial Strategy (MTFS) for 2017-20 sets a target to achieve £500,000 efficiencies from business transformation.

Alongside this, we have experienced a period of instability which has impacted on staff morale and our ability to govern and we need to urgently address these issues, supporting staff and members through challenging times ahead and helping them to develop the skills they need for the future and to become resilient through times of change.

With this in mind, the Cabinet approved a Transformation Strategy for the Council for 2017-18 at its meeting in July. This focuses on building and maintaining leadership and organisational capacity and strong and effective governance, systems and processes that support, inspire and empower our people to be and do the best they can for our communities and customers.

5. TRANSFORMATION AIMS

The Council's Transformation Strategy for 2017-18 sets out the Council's transformational aims as follows:

- Aim 1:** To develop and embed an organisational culture that encourages, empowers, recognises and rewards ambition and innovation
- Aim 2:** A highly motivated, flexible and resilient workforce and Council
- Aim 3:** Developing a performance culture
- Aim 4:** Encouraging and nurturing talent
- Aim 5:** To reduce the cost of service delivery by £300,000 by April 2018, and by a further £200,000 by April 2019.

These aims are underpinned by the Council's desire to become more agile and entrepreneurial. Our transformation model is based around changing systems and processes and developing our people to achieve these aims.

We will transform our systems and processes by reviewing how we interact with residents, how we interact with business and how we can become more effective and efficient in all these interactions. We will be ambitious, delivering change at pace and empowering our people to be innovative in delivering services.

6. FUNDING TRANSFORMATION

Adopting new business models will require some upfront investment and accordingly it is proposed to establish a Transformation Fund of £500,000 from the Council's General Reserves. Examples of how this may be used include the purchase of new equipment at the depot to support the commercialisation of the depot for vehicle maintenance and MOTs or the purchase of new ICT equipment or systems to improve efficiency and support new ways of working.

Establishing the fund will enable pace to be maintained in delivering transformation and avoids the need to submit myriad reports for approval to fund transformation activity.

Bids to the fund will be dependent on submission of a robust business case showing the return of investment over a period of no more than 3-years and we will re-cycle a proportion of the savings that have been achieved through transformation into further transformation projects.

Cabinet considered this at its meeting on 27th July and made a recommendation to Council that the use of general reserves should be used to create this fund.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTS

7.1 FINANCIAL IMPLICATIONS

Adopting new business models may require some upfront investment to bring about change quickly. Bids to the fund will be dependent on submission of a robust business case showing the return of investment over a period of no more than 3-years and we will re-cycle a proportion of the savings that have been achieved through transformation into further transformation projects.

7.2 COMMENTS OF THE STATUTORY FINANCE OFFICER

The Transformation fund will be available to be called upon if required to manage the cash flow of realising recurring budget savings. Each allocation will be approved within the individual Business Transformation project including the payback period which shall not exceed three years. In the first instance, the possibility of utilising existing resources will be considered. The Transformation Fund can be funded from an allocation from the General Reserves and could be replaced as budget savings and the pay-back periods are achieved.

7.3 COMMENTS OF THE MONITORING OFFICER

There are no direct legal implications arising from this report.

It is widely recognised that the council needs to change the way it goes about its business – we need to be fit to face the challenges of the future. The provision of a Transformation Fund is designed to help to facilitate this.

RISK	The Council needs to change the way it works and delivers services to assure its financial viability and future sustainability. It also needs to ensure that it develops and supports its people to ensure that it has the rights skills available to achieve its priorities. Addressing this may need some upfront investment which the fund will facilitate.
EQUALITY & DIVERSITY	There are no equality and diversity implications to the recommendations in this report.
HR & ORGANISATIONAL DEVELOPMENT	There are no HR and organisational development implications to the recommendations in this report.
PROPERTY AND ASSET MANAGEMENT	There are no property and asset management implications to the recommendations in this report, although the fund may be used to make changes to property to accommodate new ways of working
ICT / TECHNOLOGY	There are no ICT implications to the recommendations in this report although the fund may be used to upgrade ICT based systems to underpin new ways of working.

8. BACKGROUND DOCUMENTS AND APPENDICES

Background documents

LGA Corporate Peer Challenge Report April 2017
Corporate Improvement Plan May 2017
Medium Term Financial Strategy 2017-20
Transformation Strategy 2017-18

Appendix 1: Report to Cabinet meeting of 27th July 2017

Report author:	Telephone:	Date:
Joanne Platt	01772 625309	15 th September 2017

REPORT TO	ON
CABINET	27th July 2017

Jan 2017



TITLE	PORTFOLIO	AUTHOR	<i>Agenda item No.</i>
Transformation Strategy 2017-18	Leader and Corporate Support and Assets	Joanne Platt Interim Corporate Improvement Manager	6

Is this report a KEY DECISION	No
Is this report on the Cabinet Forward Plan?	Yes
Is the request outside the policy and budgetary framework and therefore subject to confirmation at full Council?	Yes – Establishment of Transformation Fund only

1. PURPOSE OF THE REPORT

To present the Council’s Transformation Strategy 2017-18 to Cabinet for approval.

2. MEMBER RECOMMENDATIONS

- (i) That Cabinet approves the Council’s Transformation Strategy for 2017-18
- (ii) That Cabinet recommends to Council the use of Council financial reserves to establish a Transformation Fund of £500,000

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	✓

4. BACKGROUND TO THE REPORT

The Council is facing significant budgetary challenges and needs to become financially self-sufficient by 2019-20.

Although we have continued to respond to the needs and aspirations of our communities and have recently been voted as the best place to live in the UK, we recognise the need to change the way that we are organised and do business, to make us a Council that is fit for the future.

Our Medium Term Financial Strategy (MTFS) for 2017-20 sets a target to achieve £300,000 efficiencies from business transformation by 2018 with a further £200,000 by 2019.

Alongside this, we have experienced a period of instability which has impacted on staff morale and our ability to govern and we need to urgently address these issues, supporting staff and members through challenging times ahead and helping them to develop the skills they need for the future and to become resilient through times of change.

The Council's transformation aims are underpinned by the Council's desire to become more agile and entrepreneurial. We will be ambitious, delivering change at pace and empowering our people to be innovative in delivering services.

We will focus on building and maintaining leadership and organisational capacity and strong and effective governance, systems and processes that support, inspire and empower our people to be and do the best they can for our communities and customers.

5. TRANSFORMATION AIMS

We will strive to be the Best Council, innovating to deliver the best services. This means developing our skills together and working cohesively towards delivery of a single vision and priorities.

Our transformational aims are as follows:

Objective 1: To develop and embed an organisational culture that encourages, empowers and recognises ambition and innovation

Objective 2: A highly motivated and flexible workforce and Council

Objective 3: Developing a performance culture

Objective 4: Encouraging and nurturing talent

Objective 5: To reduce the cost of service delivery by £300,000 by April 2018, and by a further £200,000 by April 2019.

Our transformation model is based around changing systems and processes and developing our people to achieve these aims. We will transform our systems and processes by reviewing how we interact with residents, how we interact with business and how we can become more effective and efficient in all these interactions.

The action plans shown at Appendices 1 - 4 of the Transformation Strategy set out the steps we will take to achieve our transformation aims.

6. FUNDING TRANSFORMATION

Adopting new business models may require some upfront investment and accordingly it is proposed to establish a Transformation Fund of £500,000 from existing financial reserves.

Bids to the fund will be dependent on submission of a robust business case showing the return of investment over a period of no more than 3-years and we will re-cycle a proportion of the savings that have been achieved through transformation into further transformation projects.

7. GOVERNANCE

Reports on progress towards the targets in the action plans in the strategy will be made to Cabinet and Scrutiny Committee.

However, Group Leaders are also individually responsible for implementation of organisational development activity at member level, including ensuring that members of their respective groups engage with the personal development process and member development activity.

8. CONSULTATION CARRIED OUT AND THE OUTCOME OF CONSULTATION

The strategy has been developed in consultation with members and senior officers and has taken into account staff concerns arising from the recent staff survey.

No consultation with external stakeholders has taken place in developing the strategy, although stakeholders will be consulted on proposals arising from transformation work.

9. OTHER OPTIONS CONSIDERED

None – the Council needs to achieve the efficiency targets set out in the 2017-20 MTFS and to address the issues identified in the 2016 Staff Survey if it is to move forward.

10. IMPLICATIONS OF RECOMMENDATIONS

FINANCIAL IMPLICATIONS	Adopting new business models may require some upfront investment and accordingly it is proposed to establish a Transformation Fund of £500,000. Bids to the fund will be dependent on submission of a robust business case showing the return of investment over a period of no more than 3-years and we will re-cycle a proportion of the savings that have been achieved through transformation into further transformation projects. Other activity will be funded from within existing budgets (including the Improvement Plan budget approved by Council in March 2017)
PEOPLE AND CULTURAL IMPLICATIONS	The proposed savings will inevitably lead to changes in staffing numbers and how staff are organised. These will be assessed as plans develop from transformation activity. Any changes will be captured by impact assessments at that time. Delivery of the 'Our people' action plans will ensure that members and staff are equipped to deliver new business models which will in turn contribute towards improving staff morale and maintaining a happy and motivated Council and workforce.
ICT	ICT will play a major part in delivering transformation and accordingly the Council's ICT Strategy will be reviewed to ensure that it aligns to the Council's transformation aims.
PROPERTY AND ASSET MANAGEMENT IMPLICATIONS	Property will play a major part in delivering transformation and accordingly the Council's Asset Management Strategy will be reviewed to ensure that it aligns to the Council's transformation aims.

11. RISK MANAGEMENT

The Council needs to change the way it works and delivers services to assure its financial viability and future sustainability. It also needs to ensure that it develops and supports its people to ensure that it has the rights skills available to achieve its priorities.

12. EQUALITY AND DIVERSITY IMPACT

The MTFS for 2017-20 contains efficiency targets to be delivered by business transformation. This strategy provides the framework for how these targets will be achieved. As individual decisions are

taken they will be supported by the necessary impact assessments to minimise the impact on disadvantaged groups

13. RELEVANT DIRECTORS' RECOMMENDATIONS

- (i) That Cabinet approves the Council's Transformation Strategy for 2017-18
- (ii) That Cabinet recommends to Council the use of Council financial reserves to establish a Transformation Fund of £500,000

14. COMMENTS OF THE STATUTORY FINANCE OFFICER

The fund will be available to be called upon if required to manage the cash flow of realising recurring budget savings. Each allocation will be approved within the individual Business Transformation project including the payback period which shall not exceed three years. In the first instance, the possibility of utilising existing resources will be considered. The Transformation Fund can be funded from an allocation from Reserves but will be replaced within the period of the Medium Term Financial Strategy as budget savings and the pay-back period are achieved.

15. COMMENTS OF THE MONITORING OFFICER

There are no direct legal implications arising from this report. Clearly though if there is to be any reduction in staff numbers arising from business transformation then proper HR policies and procedures will need to be adhered to.

Having a robust organisational development framework combined with comprehensive and up to date HR policies will help to ensure the council's duties as an employer are satisfied. Also the actions contained within the 'Our people' action plans will help to ensure that members can access training to assist them in the performance of their duties.

16. BACKGROUND DOCUMENTS AND APPENDICES

Background documents

LGA Corporate Peer Challenge Report April 2017
Corporate Improvement Plan May 2017
Medium Term Financial Strategy 2017-20
People Plan 2015-19
Member Development Plan 2015-19

Appendices

Appendix 1: Transformation Strategy 2017-18

Joanne Platt

Interim Corporate Improvement Manager

Report author:	Telephone:	Date:
Joanne Platt	01772 625309	18 th July 2017

REPORT TO	ON
Council	27/09/2017

September 2017



TITLE	REPORT OF
Central Lancashire Employment Skills Supplementary Planning Document	Director of Development, Enterprise and Communities

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

To seek adoption of the Central Lancashire Employment Skills Supplementary Planning Document (SPD).

2. RECOMMENDATIONS

1. That Council adopt the Central Lancashire Employment Skills Supplementary Planning Document attached at Appendix 1.
2. That the Council delegate authority to the Planning Manager in consultation with the Cabinet Member for Strategic Planning and Housing to make any minor text, layout and formatting changes on the publication of the document.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire	X	Efficient, effective and exceptional council	

4. BACKGROUND TO THE REPORT

Supplementary Planning Documents (SPDs) offer local planning authorities the opportunity to add guidance in specific policy areas. They are documents that must be prepared in consultation with interested parties, and must be subject to a screening process to discover whether a sustainability appraisal would be required. Unlike Development Plan Documents (DPDs) SPDs do not require independent examination before they are adopted.

This proposed SPD will become part of a suite of Central Lancashire SPDs that have already been adopted in accordance with the Local Planning Regulations and the National Planning Policy Framework, conforming and responding to all relevant local and national policies, and based upon a robust and up-to-date evidence base. These SPDs form part of the Local Development Framework (LDF) for the Council, and the other Central Lancashire authorities. They are to be considered alongside policy in the Central Lancashire Core Strategy and the South Ribble Local Plan.

One of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs. This involves increasing employment opportunities by helping local businesses to improve, grow and take on more staff, helping businesses to find suitable staff and suppliers, especially local ones, and improving the skills of local people to enable them to take advantage of the employing opportunities. The aim of this SPD is to facilitate this by helping businesses already located in Central Lancashire to grow and attract new businesses into the area.

The SPD does not introduce new policies. The SPD provides planning guidance in relation to the preparation of the Employment and Skills plans which supports the implementation of Core Strategy Policy 15: Skills and Economic Inclusion. The SPD has been prepared jointly between the 3 authorities' Planning and Economic Development colleagues and should therefore be taken into consideration from the earliest stages of the development process of any site, including any purchase negotiations and in the preparation of development schemes. This SPD will be a significant positive for the three Councils and will only be the third in the North-West and first in the country that has been jointly prepared.

Planning Committee granted approval to consult on the draft SPD in January 2017. The subsequent 6 week consultation was carried out from Monday 30 January until Monday 13 March 2017. Approximately 3000 individuals, companies, statutory consultees and interest groups were notified of the consultation on the draft SPD. All of the documentation relating to the SPD was available to view on each of the Councils' websites throughout the consultation period. The documents were also available to view at deposit points across the 3 areas, which included the Council Offices and Libraries, and some Post Offices particularly in villages without a library. The consultation was advertised using each Councils' Social Media and by press releases. The consultation was also publicised in Chorley Council's e-zines.

5. DETAILED CONSIDERATIONS

5.1 Summary of Consultation

19 responses were received as part of the January – March 2017 consultation. The issues can be summarised as follows:

- Concerns as to extent of information required to validate an application
- Query how the thresholds have been arrived at as to when a statement is required
- Stress the need for flexibility to acknowledge the fluid nature of projects
- Query policy justification and whether this is spatial planning
- Concerns as to impact upon deliverability of schemes, stifling or delaying development having regard to the advice in the National Planning Policy Framework

Following this, amendments were made to the SPD, which included to:

- Seek to align the document with the National Skills Academy for Construction (NSAFC) approach both in terms of the CIBTA 'Toolkit' and 'Client Based Approach – Local Client Guidance';
- Greater clarity on what the statement will potentially cover.
- Updating of the factual position in respect of the various projects across the three authority areas.

Under the planning regulations, the revised SPD along with a statement setting out the people consulted when preparing the SPD, a summary of the main issues raised and how these issues have been addressed must be made available for a minimum of 4 weeks before it is adopted. The 4 week period took place from Wednesday 28 June until Wednesday 26 July 2017. A further 4 responses were received, three not making comments and one supporting the SPD which the

Councils have noted and which have not resulted in any further additions to the SPD. All 23 responses and the Councils' responses are attached at Appendix 2.

The adopted version will provide clarification in respect of what constitutes a 'Commercial Use'. Therefore it is proposed at paragraph 10.2 of the SPD that Commercial Use will for the purpose of the SPD comprise B1 Business, B2 General Industrial, B8 Storage or Distribution, A1 Shops, A2 Financial and Professional Services, A3 Restaurant and Cafes, A4 Drinking establishments, A5 Hot food takeaways. There may be occasions when the Uses are developed jointly as part of one application and if the cumulative floorspace exceeds 1000sqm a statement will be required.

5.2 Content of the SPD

To complement existing activity and facilitate opportunity in association with economic growth envisaged through this SPD, the authorities will now be introducing the need for the submission of an Employment and Skills Statement with a relevant planning application (with the exception of outline applications). The scale of development that triggers the need for a plan being:

*Commercial Floorspace over 1000sqm
Housing Developments over 30 units*

The need for an Employment and Skills Statement and what it will cover will be highlighted during pre-application discussions. The requirement for a statement will be included in each authority's validation checklist requiring an update. A statement received as part of an individual application above the threshold will be verified by Employment Skills and Business Support and Planning Policy. Planning Policy will monitor the SPD as part of the Central Lancashire Core Strategy monitoring report.

An applicant will be required to complete an Employment and Skills Statement template providing all the key background factual information associated with the development (see pages 11- 12 of Appendix 1). Further information will be requested by the development management sections on a case by case basis as appropriate.

The Employment and Skills Statement will cover such areas as:

- Creation of apprenticeships
- Recruitment
- Training (NVQ)
- Work Experience (14-16 years, 16-19 years and 19+ years)
- Work Trials
- Links with schools, colleges and university
- Use of local suppliers
- Skills certification
- Support with transport, childcare and work equipment.

Once the content of the Employment and Skills Statement has been agreed as part of the consideration of the planning application, it will be usually be possible to control the implementation of the Plan via a planning condition or subject to an obligation under Section 106 of the Town and Country Planning Act 1990 the signing of which will coincide with the grant of planning permission. Specific activities, target numbers, supervision responsibilities and time parameters will be agreed before construction begins. Once adopted, this SPD should be afforded significant weight as a material consideration in determining planning applications.

5.3 Next Steps

Accordingly, the final version of the SPD is being placed before Members for approval to adopt for use for development control purposes. Officers of Chorley Borough Council and Preston City

Council are taking the equivalent reports through their respective approval procedures. Each Council will then follow similar adoption arrangements and the adoption period identified in below.

Following adoption the SPD and adoption statement will be placed on the Council’s website; made available at the Council’s Civic offices and local libraries. Any person aggrieved by the adoption of this SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD. Any such application for leave to review the decision must be made promptly and in any case not later than three months after the date on which the adoption statement is published.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

7.2 Comments of the Monitoring Officer

An extensive consultation process has been carried out with regard to the proposed adoption of this SPD. In this context it is considered that the chances of any subsequent legal challenge via judicial review is not great.

Once adopted the SPD will become a material consideration for the determination of those planning applications which hit the specified trigger points.

Other implications:	
▶ Risk	None
▶ Equality & Diversity	None
▶ HR & Organisational Development	None
▶ Property & Asset Management	None
▶ ICT / Technology	None

8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix 1 – Employment and Skills SPD
Appendix 2 - Responses Report

Denise Johnson
Director of Development, Enterprise and Communities

Report Author:	Telephone:	Date:
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**Central Lancashire
Employment Skills
Supplementary Planning
Document
September 2017**



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Employment Skills

Supplementary Planning Document

2. Introduction

- 2.1. The SPD has been driven by Preston, Chorley and South Ribble Councils' aspiration to see additional benefits (known as social value) incorporated into their housing and other development opportunities. Social value is defined as “the additional economic, social and environmental benefits that can be created when the Council purchases a good or a service from an outside organisation, above and beyond the value of that good or service”. By integrating social value at the planning stage of a project, this can result in significant ‘added value’ benefits to the residents of Lancashire, particularly in the area of employment and skills (to which this SPD relates). It will also contribute to the Lancashire Employment and Skills Strategic Framework, which details the employment and skills needs within Lancashire.
- 2.2. South Ribble, Chorley and Preston have collaborated extensively in spatial planning terms as the combined area functions as one integrated local economy and travel to work area. It is a single housing market area; and nearly 80% of house moves take place within it. It is appropriate and efficient to consider the similar issues facing Central Lancashire in a collaborative way. To this end Central Lancashire has a combined Core Strategy, Local Plans that develop the vision set out within it, and a series of joint SPDs. It is within this context that this joint Employment Skills SPD has been prepared.

3. Context

- 3.1. The vision for Central Lancashire is set out in the Core Strategy. In summary, it states that by 2026 Central Lancashire will:
- **Be recognised as a highly sought after place to live and work in the North-West**
 - **Play a leading role in Lancashire’s world class economy and have sustainable economic growth based on the area’s unique assets.**

- **Build on its central location at the hub of a transport network, with green spaces and access to open countryside, making it a place with 'room to breathe'.**
- **Be a driver of sustainable economic growth for the region, marrying opportunity and need**
- **Provide easy access with improved transport connections within Central Lancashire and to wider regional, national and international destinations**

- 3.2. Building on this joint working in September 2013, South Ribble Borough, Preston City and Lancashire County Council signed a City Deal agreement with Central Government.
- 3.3. The city deal is unlocking £434 million new investment to help expand and improve Preston and South Ribble's transport infrastructure, at an unprecedented rate. Forecasts suggest 20,000 new jobs will be created and 17,420 homes built - a huge boost to a local economy expected to grow by £1 billion over the next ten years.
- 3.4. This promises to keep the Central Lancashire growth rate booming – bucking national trends – and this in an area already boasting the UK's highest new job creation rates in the last decade, with more than 20,000 new jobs created in the private sector.
- 3.5. The success of the deal reflects the area's excellent location, skilled workforce and local strength in training and education, as well as quality of life. As long as the core infrastructure is developed to provide that extra capacity, this high rate of significant growth will continue.
- 3.6. More than £340 million of the City Deal pot will be invested in a new transport infrastructure, with plans to radically improve access by road to Preston and South Ribble from other parts of Lancashire and the UK. There will be major new road schemes to the north, south and west of Preston and a new junction off the M55 at Bartle, opening up a wealth of new opportunities to create housing and employment.
- 3.7. City Deal Government funding is a 10-year allocation more than twice the term originally envisaged and is key to the delivery of key essential transport links to bring forward development. This will help it move forward with ear-marked priorities like the Preston Western Distributor, South Ribble Western Distributor, Broughton Congestion Relief and Penwortham Bypass projects.
- 3.8. South Ribble has Samlesbury Aerospace Enterprise Zone already under development which will be a national centre of excellence for advanced engineering and manufacturing related companies in B1, B2 and B8 units ranging from manufacturing, specialist logistics and professional support services. Centrally within the borough is the Cuerden 65 hectare strategic site that is currently subject of a planning application for retail, employment, leisure and residential uses.

- 3.9. Chorley is a key service centre and is a great place to do business with excellent road and rail links, a skilled workforce; a good mix of housing as well as quality of life. Chorley Council has made economic development one of its main priorities and will make sure companies and developers interested in investing or relocating to Chorley get all the support they need. Chorley's recently adopted Local Plan brings forward a healthy supply of employment land offering a range of significant sites for B1,B2,B8 employment uses as well as mixed uses.
- 3.10. Key sites being brought forward include Botany Bay/Great Knowley, a highly accessible 20 hectare site situated adjacent to junction 8 of the M61, which is allocated as a site for sub regionally significant development including B1, B2 and B8 but also retail, housing and leisure. Within close proximity to junction 8 of the M61 is the chosen location for the new Digital Health Village of 13 hectares offering purpose built collaborative office space for digital health businesses and premises for light industrial uses. Other sites under development include proposed office development at Buckshaw Village Office Park comprising new quality development totalling 12,000 sq metres; land at the east of A49, Clayton Le Woods comprising 8 hectares benefitting from good motorway access to the north, south and east of the county, and offering flexible employment space, including incubation and business growth options; and 3.5 hectares at Cowling Farm, Chorley suitable for the development of commercial manufacturing and incubation businesses.

4. Legal Framework

- 4.1. Supplementary Planning Documents (SPDs) were introduced by the Planning and Compulsory Purchase Act 2004 as part of the reforms to the planning system. Although not forming part of the statutory development plan, one of the functions of an SPD is to provide further detail on policies and proposals within the development plan. SPDs must be consistent with national and regional planning policies as well as the policies set out in the development plan.
- 4.2. This SPD is one of a suite of SPDs that have been prepared in accordance with the Local Planning Regulations (SI 2012 No.767) and National Planning Policy Framework (the Framework), conforming and responding to all relevant local and national policies, and based upon a robust and up-to-date evidence base. This SPD forms part of the Local Development Framework (LDF) for the three authorities. It should be considered alongside policy in the Central Lancashire Core Strategy and the Site Allocations and Development Management Policies Development Plan Documents (DPDs) – now referred to as the Local Plan. The SPD guidance should therefore be taken into consideration from the earliest stages of the development process of any site, including any purchase negotiations and preparation of schemes seeking pre-application guidance.

5. Purpose of this SPD

5.1. This SPD introduces Employment Skills Statements and provides clarity as to how this requirement relates to the relevant policies set out in the Core Strategy and Local Plan as well as the guidance set out in the NPPF. Once adopted, this SPD should be afforded significant weight as a material consideration in determining planning applications.

5.2. One of Central Lancashire's priorities is to encourage economic growth within Central Lancashire that benefits the people and businesses in the three boroughs.

5.3. Therefore this SPD will seek to:

- **Increase employment opportunities by helping local businesses to improve, grow and take on more staff**
- **help businesses to find suitable staff and suppliers, especially local ones**
- **improve the skills of local people to enable them to take advantage of the resulting employment opportunities**
- **help businesses already located in Central Lancashire to grow and attract new businesses into the area**

5.4. This is vital in the context of new growth and having regard to issues in Central Lancashire in the past. Namely that a considerable proportion of employment available in Central Lancashire is in lower skilled jobs with the proportion of working-age population with no qualifications being higher than the national average. Those with low or no formal skills often have low incomes or cannot find employment.

5.5. Indicators show that employment growth in Central Lancashire is in sectors requiring higher skills (NVQ level 4). Quality higher education, training and skills development are essential to ensure a skilled local labour pool for new and expanding enterprises.

5.6. For the purposes of this document a "local person", is a person living in the area and a "local business" means a business based in, or having a significant permanent physical presence in Central Lancashire.

5.7. To complement existing activity and facilitate opportunity in association with the economic growth envisaged the Authorities will now be introducing the requirement for the submission of Employment Skills Statement with certain types of planning applications. The contents of the Statement will be based on

completion of the table in Appendix One. To ensure national consistency regard should also be had to the following National Skills Academy for Construction (NSAfC) documents and any subsequent amendments - 'CITBA Toolkit June 2016 – Client Based Approach' and 'Client Based Approach Local Client Guidance- England V2 June 2016' a link to these documents can be found after Section 17 of this SPD.

- 5.8. This SPD sets out the process that will need to be followed and what the Statement will need to cover.

The services and assistance currently available from each authority are set out in the Appendix 2 to this document.

6. Planning Policy

National Policy

- 6.1. Guidance on planning policy is issued by central Government in the **National Planning Policy Framework (The Framework)**. Local Planning Authorities have to take the contents of The Framework into account when determining planning applications and preparing documents for the Local Plan

The National Planning Policy Framework

- 6.2. The sections of The Framework most relevant to this Employment Skills SPD are as follows:

7: There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

An economic role –contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

.....

Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond

positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and low carbon future.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;*
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet the anticipated needs over the plan period;*
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;*
- plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*
- identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and*
- facilitate flexible working practices such as integration of residential and commercial uses with the same unit*

Local Policy

6.3. The Local Plan comprises a suite of documents.

6.4. The **Core Strategy** is the key document as it sets the overarching vision for the area.

Policy 15: Skills and Economic Inclusion is the relevant policy hook for this SPD, it states:

“Improve Skills and Economic Inclusion by:

- *Working with existing and incoming employers to identify skills shortages.*
- *Liaising with colleges, training agencies and major local employers to develop courses and life-long learning and increase access to training, particularly in local communities that are the most deprived in this respect.*
- *Encouraging knowledge based businesses and creative industries associated with the University of Central Lancashire to enable graduate retention.”*

6.5. It is then underpinned by **Preston, South Ribble and Chorley Local Plan’s** all of which have an end date of 2026 and are in conformity with the Core Strategy. These documents include policies and proposals allocating some land for development whilst protecting others from inappropriate development.

7. Other Relevant Guidance

7.1. Controlling Re-Use of Employment Premises SPD – this SPD sets out the Council’s approach to dealing with development proposals involving the re-use of existing employment premises and sites in Central Lancashire. It supports the aims of Core Strategy Policy 10 to secure an adequate supply of Employment land in Central Lancashire up to 2026, including the provision and availability of suitable locations for industrial and commercial developments, and provision for a broad range of business types from small start-up business through to large enterprises.

8. Sustainability Appraisal and Habitats Regulations Assessment

8.1. Given the relationship between this SPD, the Core Strategy and the Site Allocations DPDs and the level of Sustainability Appraisal (SA) that these documents have undergone together with the anticipated absence of any significant environmental effects arising from this proposal, an independent SA of this SPD is not required. In addition, the Core Strategy has undergone a Habitats Regulations Screening Assessment to determine the likely significant effects of the

plan on sites of international nature conservation importance. As the SPD is in conformity with the policies contained within the Core Strategy, a full Screening Assessment of this SPD is not required.

9. Employment and Skills Statement

- 9.1. An Employment and Skills Statement will need to be submitted in association with certain types of development. The thresholds are set out below in paragraph 10.1.
- 9.2. If a development exceeds the thresholds the Council will adopt a flexible and a pragmatic approach, if, for example, the company developing already has an appropriate training regime in place. In such circumstances, supporting information to demonstrate the company's existing regime will need to be submitted.

10. When will a Statement be required?

- 10.1. Employment and Skills Statements will be required to be submitted with the planning applications (with the exception of outline applications) which exceed the thresholds below:
- **Commercial Floorspace 1000 sqm**
 - **Housing Developments 30 units**
- 10.2. For the purpose of this SPD Commercial use comprises B1 Business, B2 General Industrial, B8 Storage or Distribution, A1 Shops, A2 Financial and Professional Services, A3 Restaurant and Cafes, A4 Drinking establishments, A5 Hot food takeaways. There may be occasions when the Uses are developed jointly as part of one application and if the cumulative floorspace exceeds 1000sqm a statement will be required.
- 10.3. Applicants are recommended to engage in pre-application discussions with the relevant Council in order to determine the individual requirements for, and content of, an Employment Skills Statement. The details of each Council's pre-application service can be found on their websites.
- 10.4. The requirement for the Statement will be included on each authority's validation checklists when they are next revised. Applicants must also complete the template

in Appendix 1 and submit this with their application. This provides all the key background factual information associated with the development.

11. What will the statement cover?

11.1. These criteria set out in in the statement can be individually tailored to ensure the right skills and employment opportunities are provided at the right time to benefit both the developer and local population and covers the following areas:

- Creation of apprenticeships/new entrants/graduates/traineeships
- Recruitment through Job Hub and Jobcentre plus and other local employment vehicles.
- Work trials and interview guarantees
- Vocational training (NVQ)
- Work experience (14-16 years, 16-19 years and 19+ years) (5 working days minimum)
- Links with schools, colleges and university
- Use of local suppliers
- Supervisor Training
- Management and Leadership Training
- In house training schemes
- Construction Skills Certification Scheme (CSCS) Cards
- Support with transport, childcare and work equipment
- Community based projects

12. How will it be implemented?

12.1. The statement should be submitted with the planning application. Once the content of the Statement has been agreed as part of the consideration of the planning application, it will be usually be possible to control its implementation via a planning condition or an obligation under Section106 of the Town and Country Planning Act 1990, the signing of which will coincide with the grant of planning permission.

13. Monitoring and Review

13.1. The Councils will monitor the effectiveness of this guidance including Core Strategy key indicators and review as appropriate in the light of its performance and future changes in planning law, and policy guidance.

14. Further Information

Preston City Council	Chorley Borough Council	South Ribble Borough Council
www.preston.gov.uk	www.chorley.gov.uk	www.southribble.gov.uk
01772 906949	01257 515151	01772 421491
devcon@preston.gov.uk	dcon@chorley.gov.uk	planningpolicy@southribble.gov.uk

Links are provided to the following documents:-

[‘CITBA Toolkit June 2016 – Client Based Approach’](#)

[‘Client Based Approach Local Client Guidance- England V2 June 2016’](#)

APPENDIX ONE - Employment and Skills Statement

This table needs to be completed by the applicant and submitted with a Planning Application:

Site:
Landowner/Developer:
Proposal:
Opportunities at Construction Phase: The number of jobs (including the labour forecasting tool if available): Type of jobs: Phasing and Timescale:
Opportunities at Occupation Phase The number of jobs (including the labour forecasting tool if available): Type of jobs: Phasing and Timescale:
Contact Details:
Please tick if you are happy that this Statement can be shared with Job Centre Plus

FUTURE WORKFORCE	Indicative Commitment
Working Days committed from business volunteers to support careers education and information and/curriculum development in schools and colleges in Lancashire per year.	
Number of work experience placements (14-16 years, 17-19years and 19years +) based on a placement being one week at Lancashire schools and colleges.	
Number of undergraduate project placements per year offered to Lancashire Universities	
Number of graduate internships per year for graduates living in Lancashire.	
INCLUSIVE WORKFORCE	

Number of employment opportunities offered to Lancashire residents that are unemployed or at a disadvantage (e.g. ex-offenders)	
Number of work placements or trails offered to unemployed Lancashire residents	
Working days committed from business volunteers to mentor NEET (not in education, employment or training) young people 16-18 year olds.	
SKILLED AND PRODUCTIVE WORKFORCE	
Number of apprenticeships	
Commitment to workforce planning and investment in training of employees	
Investment in Leadership Skills	
COMMUNITY BENEFITS	
Projects driven by local communities	
Procurement and commissioning of local small and medium-sized enterprises and social enterprises/third sector organisations	
Construction Skills Certificate Schemes	
Support with transport, childcare and work equipment	

APPENDIX TWO – Services Provided by the Councils

The Councils currently offer the following services:

In the case of South Ribble:

- Make businesses applying for planning permission aware of the advice and practical support available in the Borough for economic development;
- Inform developers and business of possible sources of funding and grants;
- Encourage the occupiers of new or expanded premises where new jobs are being created to use recruitment methods that will increase the likelihood of recruiting local residents;
- Encourage the use of local organisations to source and help train local residents to work at new or expanded premises, especially through Apprenticeships;
- Encourage applicants to seek information on where to find local construction firms, local construction goods suppliers and local general business to business goods suppliers
- With Preston and Chorley host a bi-monthly Employment Taskforce where 15-20 employment support and training organisations come together to discuss recruitments and opportunities for local people to secure apprenticeships and local employment.

Please follow this link for access to full services:

<http://www.businessinsouthribble.com/business-support>

In the case of Preston:

Preston Council will offer practical support to new businesses, existing businesses and developers wishing to expand in Preston and encourage:

- recruitment methods that will increase the likelihood of recruiting local residents;
- the use of local organisations to source, work, train, offer apprenticeships for local residents;
- applicants to seek information on where to find local construction firms, local construction goods suppliers and local general business to business goods suppliers
- large applications to make contact with Job Centre Plus
- economic diversification by explaining what forms of economic development may be acceptable in the rural area.
- the use of funding and grants available.
- Together with Chorley and South Ribble host a bi-monthly Employment Taskforce where 15-20 employment support and training organisations come together to discuss recruitments and opportunities for local people to secure apprenticeships and local employment.

Please follow the link for access to access the full services:

<http://www.preston.gov.uk/businesses/business-advice/>

In the case of Chorley:

- Has a formal pre-application advice service for planning schemes, only for people who need planning permission. Entering into pre application discussions will help save time, avoid wasted expense and avoid frustration. More information can be found at www.chorley.gov.uk/planning
- Has prepared a validation checklist which outlines the level of detail and the information required for different types of application. This document, together with the necessary application forms, is available on the Council's website at www.chorley.gov.uk/planning.
- Uses the Central Lancashire Re-use of Employment Premises Supplementary Planning Document to explain the Council's approach to dealing with development proposals involving the re-use of existing employment premises and sites:
<http://chorley.gov.uk/Pages/AtoZ/Planning-Policy.aspx>
- Informs developers and businesses of possible sources of all grants, funding and business support via the Chorley Council inward investment website <http://www.choosechorley.co.uk/Pages/default.aspx> and also promoted through the council's website <http://chorley.gov.uk/Pages/AtoZ/Business-Advice-and-Support.aspx>
- New and expanding businesses can access free support, advice and funding from the Council. Businesses that are growing and creating new jobs can access funding from our Chorley BIG (Business Investment for Growth) grant. One criteria of this fund, is for the majority, if not all, new jobs to be filled by Chorley residents. In addition, businesses moving into Chorley utilising support from the Choose Chorley Grant also have to sign up to the Chorley Employment Charter which assists local businesses to recruit local residents.
- Through one to one meetings with our business advisors the Council encourages occupiers to sign up to our Employment Charter, to encourage local employment, see http://chorley.gov.uk/Documents/Business/Employment_charter_2012%20v1.pdf In addition we offer an 8 week placement programme Chorley Works, which gives people who are nearly ready for employment the opportunity to work with a local business before taking up a permanent position.
- Promotes through the Chorley Council website our on-line business directory to encourage local businesses to source goods and services locally at [http://propertysearch4.evolutive.co.uk/toolkitv2/\(S\(vho5jl4kn1cvei20kqxi4ahh\)\)/BDSearch.aspx?siteId=122&bd=true&partnerid=4](http://propertysearch4.evolutive.co.uk/toolkitv2/(S(vho5jl4kn1cvei20kqxi4ahh))/BDSearch.aspx?siteId=122&bd=true&partnerid=4)
- Has a programme of business events available to view at <http://chorley.gov.uk/Documents/Business/BUSINESS%20EVENTS%20LATEST%20VERSION.pdf>
- Encourages the use of local organisations to source and help train local residents to work at new or expanded premises, especially through Apprenticeships. The Council can assist with funding for a local organisation to operate an Employment Support Fund, to provide financial assistance (excluding wages) to remove barriers to encourage employers to create more apprenticeship opportunities and young people to take up these roles. Funding is towards travel expenses, uniform, essential tools and IT workstations.
- With Preston and South Ribble host a bi-monthly Employment Taskforce where 15-20 employment support and training organisations come together to discuss recruitments and opportunities for local people to secure apprenticeships and local employment.
- Hold quarterly networking events where businesses from all sectors across Chorley and neighbouring districts attend to network and make new business connections.

Total 24 responses received

1. Central Lancashire Employment Skills Supplementary Planning Document – 30 January – 13 March 2017 consultation

19 responses received and Councils Response is shown below:

Note: South Ribble Borough Council consulted on a Green Belt Infill SPD using the same consultation period and some joint responses were received as referenced at 2, 4 and 8.

Reference	Comments	Councils Response
10	<p>On behalf of the Construction Industry Training Board (CITB) I am submitting feedback on the proposals to introduce a Central Lancashire Employment and Skills Supplementary Planning Document.</p> <p>CITB is the Industry Training Board for the construction industry and represents around 75,000 construction businesses across Great Britain. CITB's role it to ensure that the construction industry has the right skilled people in the right place at the right time to fulfil the pipeline of projects the economy has. It does this by working with a range of stakeholders, looking at training provision, policy and funding, creating an environment where these core principles work together to get the best outcome.</p> <p>The introduction of an Employment and Skills SPD for Central Lancashire is something that CITB welcomes. Having guidance to help contractors and developers to understand their role in achieving social value outcomes on construction projects is critical to these requests being successful. By using the CITB's National Skills Academy for Construction (NSAfC) Client Based Approach (CBA) as a methodology the Central Lancashire guidance follows circa 50 other local authorities across Great Britain in using an industry developed, industry approved model. It allows contractors and developers to deliver a consistent set of social value key performance indicators that they recognise from their work elsewhere in the country, which means they don't have to set up a new system of identifying and collating information about social value outcomes for each project that they deliver, thereby removing duplication, confusion and cost. CITB can support the contractor and developer in delivering the NSAfC CBA key performance indicators through its team of advisors and its grant system, which can financially incentivise inscope registered companies to</p>	Support Noted.

Reference	Comments	Councils Response
	<p>deliver the key performance indicators.</p> <p>In summary, CITB is very supportive on this introduction of this SPD.</p>	
11	<p>Thank you for consulting us on the above Supplementary Planning Document. We have reviewed the draft document in relation to our remit and we have no comments to make.</p>	Comments Noted.
12	<p>Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.</p> <p>Thank you for consulting Historic England on the above document. At this stage we have no comments to make on its content.</p> <p>If you have any queries about any of this matter or would like to discuss anything further, please do not hesitate to contact me.</p>	
13	<p>I've recently seen the SPD that's out for consultation. I just wanted to say that it's about time that local authorities used their powers to create local employment, jobs and training.</p> <p>The Social Value Act places a requirement on local authorities to consider wider community benefits and I've seen little evidence of this happening.</p> <p>I work with young people to support them into training and employment and am really pleased that South Ribble Council are hoping to make the requirement for an employment and skills plan a condition of the planning process. The impact that this could have on local jobs and training should be significant</p> <p>Well done! I hope it gets approved</p>	Support noted.
14	<p>Dear Sir/Madam, Draft Central Lancashire Employment Skills SPD On behalf of Miller Homes Ltd, Planning Potential have reviewed the content of the above SPD; released for consultation until the 13th of March 2017.</p>	<p>- It is not clear how the thresholds have been arrived at.</p> <p>The thresholds have been arrived at having regard to consideration of other such SPD's that</p>

Reference	Comments	Councils Response
	<p>Miller Homes Ltd are an award winning national housebuilder, with aspirations to deliver essential housing for the Boroughs of South Ribble, Preston and Chorley. The housebuilder supports the joint Council's aspirations for economic growth across Central Lancashire, with Paragraph 3.3 of the Draft Central Lancashire Employment Skills SPD noting forecasts which suggest that 20,000 new jobs will be created, alongside 17,420 new homes.</p> <p>To secure sustainable growth, the NPPF encourages a proactive and responsive planning framework, through the preparation of an up-to-date Local Plan. Supplementary Planning Documents are defined as documents, which add further detail to the policies in the Local Plan and provide further guidance for development on specific sites, or on particular issues, such as design. On this point, Paragraph 153 of Framework states that SPDs should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development.</p> <p>The aim of the publication of the Draft Central Lancashire Employment Skills SPD is to facilitate economic growth, by helping businesses already located in Central Lancashire to grow and attract new businesses into the area. To enable this, the SPD introduces the requirement for the submission of Employment Skills Statement for certain types of planning applications. A list of processes that will need to be followed are outlined at Section 14 of the SPD, alongside information on what the Plan will need to cover.</p> <p>Planning Potential on behalf of Miller Homes have reviewed the Draft Central Lancashire Employment Skills SPD in detail. The introduction of the SPD is welcomed. However, concern has been raised on the level of detail required to enable validation, alongside monitoring arrangements and the need for flexibility.</p> <p>1. Content of SPD It is noted that an 'Economic Skills Statement' is required for housing developments that exceed a 30 unit threshold. Planning Potential question how this threshold has been calculated, and request information on this point.</p> <p>It is noted that the threshold promoted, does not apply to applications submitted in outline form. This position is supported as matters relating to design (scale; layout; landscaping; appearance; means of access) are subject to change, through the consideration of a reserved matters application. The submission of this level of detail would be premature.</p>	<p>have been implemented around the country. Also based on knowledge within the Councils of the likely scale of activity associated with development of the scale prescribed. It is considered if the thresholds are set higher than those suggested then it could be the case that so few developments covered by the requirement as to render the exercise of little value. The thresholds will be kept under review to see if they are indeed appropriate.</p> <ul style="list-style-type: none"> - The detail required is unresponsive to market and economic conditions which could change at the time of implementation via the discharge of conditions. A report outlining the scope of works and level of detail which can be secured is considered more appropriate and robust approach to ensure deliverability. - We believe as the plans will be bespoke to the particular development they will be entirely responsive to market and economic conditions. The plan will be a 'live' document that can evolve as and when is necessary. The desire is for this to be a positive, helpful tool to assist the developer. - The LDS highlights the need for a partial review of the Core Strategy <p>Various studies are currently underway which will form the evidence base to review both the Core Strategy and the respective authorities'</p>

Reference	Comments	Councils Response
	<p>From our review of Section 14 and Appendix 1 of the SPD; we again consider that the level of detail required to enable the validation of a reserved matters or full planning application would be premature, and could impact on the deliverability of essential housing.</p> <p>In support of the above, it is widely accepted that proposals submitted in detail form will also evolve through the application process; in response to ongoing discussions with statutory consultees and residents. Changes made to schemes can sometimes be extensive, with wider planning implications. On this point, it is noted that the timeframe from validation through to implementation can be up to five years; with a requirement for conditions to be discharged, to enable works to commence on site, through to occupation. During this time, employment numbers and market conditions could change. This position is also widely acknowledged. Consequently, the deliverability of a scheme can be threatened by a requirement which is not achievable.</p> <p>From our experience the level of information required by the current Draft SPD1 is normally secured via condition. This process allows a degree of flexibility to enable a development proposal to respond to the market and economic conditions, at the time of implementation. Indeed, securing detailed information on the type of jobs; phasing and timescales; details on future workforce; skilled and productive workforce; and community benefits by condition (in our view), meets the requirements of Paragraph 206 of the NPPF2 and should therefore be encouraged. However, Miller Homes do support the aspirations of the joint Councils and therefore recommend that a statement is required which only seeks to outline what information will be covered, rather than specific details which could change.</p> <p>2. Monitoring</p> <p>Section 16 states that more generally the Councils will monitor the effectiveness of this guidance, including Core Strategy key indicators and review as appropriate in the light of its performance and future changes in planning law and policy guidance.</p> <p>Planning Potential draw reference to the most recent Local Development Scheme, dated April 2015 to April 2018. The document highlights the need for a Partial Review of the Central Lancashire Core Strategy (2012) based on appropriate evidence, following the adoption of the 2015 Local Plan. This is even more pressing, following the revocation of the RSS. We have been made aware that a new SHMA is expected to be released in March 2017. On this point, it might be</p>	<p>local plans. So effectively the process of review has commenced</p>

Reference	Comments	Councils Response
	<p>premature to adopt the SPD until a partial review has been undertaken by the Council to ensure evidence is robust and based on an up-to date evidence base.</p> <p>Summary</p> <p>In summary, it is our view that:</p> <ul style="list-style-type: none"> • It is not clear how the thresholds have been arrived at. We would welcome clarity on this. • The preparation of an Economic Skills Statement is welcomed. However, it is our view that the level of detail required in the SPD is unresponsive to market and economic conditions which could change at the time of implementation via the discharge of conditions. A report outlining the scope of works and level of detailed which can be secured via condition is considered more appropriate and robust approach to ensure deliverability. • The LDS highlights the need for a partial review of the Core Strategy. Indicators as outlined are at risk of being found to be considered out-of-date. <p>If the Council requires any further clarification on the above matters, please do not hesitate to contact me directly.</p>	
2	<p>Thank you for inviting Highways England to comment on the new SPD's relating to for Green Belt Infill and Central Lancashire Employment & Skills.</p> <p>Highways England has no comments om either document.</p> <p>If you would like to discuss this email, please contact me.</p>	Comments Noted.
22	<p>Thank you for your consultation on the above dated 30 January 2017, which was received by Natural England on 30 January 2017.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.</p> <p>Whilst we welcome this opportunity to give our views, the topic of the Supplementary Planning Document does not appear to relate to our interests to any significant extent. We therefore do not wish to comment.</p> <p>Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.</p>	Comments Noted.

Reference	Comments	Councils Response
	<p>Strategic Environmental Assessment/Habitats Regulations Assessment</p> <p>A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.</p> <p>Please send all planning consultations electronically to the consultation hub at consultations@naturalengland.org.uk.</p>	
23	<p>Steven Abbott Associates LLP is an independent town planning consultancy which acts for a broad portfolio of clients across the north west and nationwide. A considerable number of our clients have interests in Central Lancashire and we therefore welcome the opportunity to comment on this draft SPD.</p> <p>Our comments are as follows:</p> <p>Paragraph 2.1 - The definition of social value adopted in the SPD includes the words “above and beyond the value of that good or service.” Any planning obligation which seeks to secure anything which is “above and beyond” the value of the planning permission granted cannot meet the tests set out in paragraph 204 of the National Planning Policy Framework. Such an obligation or a condition would also be questionable in terms of paragraph 206 of the NPPF as it is by no means clear that they would be necessarily, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.</p> <p>Paragraph 8.1 - The paragraphs in the NPPF which are quoted are concerned with securing sustainable economic development through the land use planning system. It is not clear how the production of an employment skills statement within the context of a planning application will add anything positive to that process. Indeed, paragraph 21 of the NPPF warns against businesses being “overburdened by the combined requirements of planning policy expectations.” Furthermore, paragraph 154 of the NPPF states “Local plans should address the spatial implications of economic, social and environmental change.” (my emphasis).</p> <p>Paragraph 153 states “Any additional development plan documents should only be used where clearly justified. Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to</p>	<p>Paragraph 2.1</p> <p>We believe the added value already exists in the development process and this is way of regulating /formalising it to the benefit of everyone.</p> <p>For example a large housing development will need a skilled labour force and will take on apprentices. This SPD seeks to ensure this work force has the correct skills and training, and the right labour force in the right place at the right time. The skills statement will be entirely precise and directly related to the development being permitted.</p> <p>Paragraph 8.1</p> <p>The paragraphs that are quoted from the NPPF demonstrate that economic development and growth are inextricably linked to the whole development process. We believe an Employment Skills plan will be an entirely positive addition to the land use planning system. For example one of the major reasons that housebuilders have told us that they are not building out at the rate expected based on historical patterns is the lack of a skilled labour force. We don’t see this as an additional burden on the development process indeed it seeks to positively assist it.</p>

Reference	Comments	Councils Response
	<p>add unnecessarily to the financial burdens on development.”</p> <p>Paragraph 12.2 and sections 13 and 14 - The need for the Councils to be flexible and to take a pragmatic approach is recognised and welcomed. However, in a planning system which is already over-stretched and under resourced, it is difficult to see how a typical development management planning officer will have either the necessary time or the knowledge to discuss and evaluate an employment skills statement. Without the necessary time, knowledge and commitment, the process is likely to be reduced to a tick box exercise which would be of little benefit to anybody.</p> <p>Paragraph 15.2 - Who will monitor these outputs? What actions would be taken if any element of the requirement is not met? The practical and manpower implications of these requirements do not appear to have been properly considered.</p> <p>Also the SPD does not reflect the Local Plan/Core Strategy policy it purports to be based on. Policy 15 indicates that the LPA’s will (a) identify skills shortages; (b) work with providers to develop courses and life-long learning, and improve access to courses; and (c) encourage knowledge based businesses and the creative industries. It refers to working closely with colleges, training establishments and major local employers. There appears to be nothing in the policy that suggests or requires developers to contribute directly to training provision etc, and as such the SPD goes well beyond consideration of the spatial implications of the Core Strategy.</p> <p>In summary, the need for employment skills statements as part of the planning application process has not, we believe, been demonstrated and as set out in the draft SPD, the process could delay and stifle economic growth rather than promote it.</p> <p>The document appears to go well beyond spatial implications and introduces a layer of complexity and policy requirements with potentially significant financial implications. Has any assessment been undertaken of the potential additional costs the process and any outputs/requirements could have on development and delivery?</p> <p>We are aware that employment skills statements have been introduced elsewhere in the UK, but are not aware if they have been monitored and their effectiveness demonstrated.</p> <p>In the absence of a more compelling case being made for employment skills statements as part of the planning application process, we believe that they should not be introduced in Central Lancashire.</p>	<p>Paragraph 12.2</p> <p>This SPD and the tasks associated with it has not been entered into with considerable discussion across the three councils. Economic Development, Policy and Development Management Teams will all have an input and well as additional resources that are available generated from City Deal. There is additionally always an option to seek outside consultancy help where the case requires it.</p> <p>Paragraph 15.2</p> <p>The monitoring will take place in the same way as any other planning obligation. There would be no desire to penalise any developer who didn’t meet an obligation it would be more a case of intervening to seek to offer assistance. This is all about trying to make a cede change in the behaviours and attitudes of developers.</p> <p>Policy Background</p> <p>Core Strategy Policy 15 is the ‘policy hook’ for the development of the SPD. This policy sets out the intent to work with existing and incoming employers to identify skills shortages and then liaising with colleges and major local employers, to develop courses, lifelong learning and increase access to training (my emphasis.) The SPD by requiring the submission of the Skills Plan, encourages and assists the delivery of the above aspirations. Fundamentally it requires the major local employer, whether it be the housebuilder or the industrialist to identify the skill shortage associated with their development and put actions in place to address this shortage by developing courses, learning and access to training. Therefore the SPD</p>

Reference	Comments	Councils Response
		<p>does accord with provisions of Policy 15.</p> <p>Cost</p> <p>It is not considered that this will introduce a significant additional financial cost for developers. Fundamentally this SPD will help to provide clarity and a structure to actions that are already taking place or should to be taking place. It is the case of course that if in any particular case if the viability of a development is threatened then the developer is entitled to present viability evidence as to why they are unable to meet any obligation resulting from the SPD.</p> <p>Justification</p> <p>Central Lancashire supported by City Deal and two Enterprise Zones is about to enter a period of unprecedented growth this allayed with the Governments growth agenda provides the justification for quality higher education; training and skills to ensure a skilled local labour pool is available for new and expanding enterprises. It should certainly not stifle economic growth as the SPD is trying to assist in providing one of the ingredients to allow growth to happen i.e. a skilled labour force that is available in the right place at the right time.</p>
24	<p>Regarding this draft SPD, I hope this letter provides you with details of what we currently offer as a business and active developer within Central Lancashire.</p> <p>1. Creation of apprenticeships:</p> <ul style="list-style-type: none"> • Barratt Group has employed 995 apprentices in the last 10 years • Barratt Manchester has vacancies for eight trade apprentices this year (2017) • Barratt Developments Plc was named 2014 BT Macro Employer of the Year by the National 	<p>Support Noted. The Council has noted all of the actions Barratt Homes currently undertake.</p>

Reference	Comments	Councils Response
	<p>Apprenticeship Service.</p> <ul style="list-style-type: none"> • In 2017 the company was shortlisted for the Best School Leaver Programme for the Target Jobs Awards <p>2. Recruitment through Job Hub and Jobcentre plus and other local employment vehicles:</p> <ul style="list-style-type: none"> • Thorough our own website • Transition partnership to support ex forces personnel <p>3. Work trials and interview guarantees:</p> <ul style="list-style-type: none"> • Some divisions offer work trials and interviews through specific relationships with local authorities e.g. at Hollygate Park in Cotgrave, Nottingham – North Midlands division <p>4. Vocational training (NVQ):</p> <ul style="list-style-type: none"> • Apprentices work towards a two year intermediate apprenticeship with the opportunity to progress to an advanced apprenticeship then once completed they have the option to progress to an assistant site manager programme through the Barratt Academy or through our sponsored degree program. • An NVQ forms part of an apprenticeship • We also qualify many employees to their NVQ at supervisory and management levels. <p>5. Work experience (14-16 years, 16-19 years and 19+ years):</p> <ul style="list-style-type: none"> • All divisions support this where possible in our Technical and Commercial departments for those interested in a Quantity Surveying, Buying, Technical Engineering and Design. <p>6. Links with schools, colleges and university:</p> <ul style="list-style-type: none"> • All divisions arrange regular site and health and safety tours with local schools etc. • There is also a specific Working Safely with Schools pack available to divisions and a Safety Bill mascot that can be used for these events. • We also have on campus ambassadors, sponsor the West Midlands Construction UTC and 	

Reference	Comments	Councils Response
	<p>attend/carry out careers events and talks.</p> <p>7. Supervisor training:</p> <ul style="list-style-type: none"> • All apprentices work with experienced tradespeople on site and have an apprentice champion who manages their progress. • For technical and commercial they are provided with a mentor. • We have the Barratt Assistant Site Manager Academy. <p>8. Management and leadership training:</p> <ul style="list-style-type: none"> • Foundation and BSc (Hons) Construction degree from Sheffield Hallam University • A full range of in house management training delivered by the Talent Team <p>http://www.barratfuturetalent.co.uk/sponsored-construction-degree/</p> <p>9. In house training schemes:</p> <ul style="list-style-type: none"> • Accelerated construction scheme - one year • ASPIRE Graduate training scheme – two years • A full range of sales, customer service, IT and management training is delivered by the Talent Team. <p>http://www.barratfuturetalent.co.uk/graduates/programmes/</p> <p>10. Construction Skills Certification Scheme (CSCS) cards:</p> <ul style="list-style-type: none"> • This is part of their qualification for Technical and Commercial and all trade apprentices must sit the health and safety test to acquire one • We mandate CSCS Scheme cards for all site staff. 	
3	<p>I am also Clerk to Heskin Parish Council and they discussed this on 2nd February. The Council had no comments to make.</p> <p>However the Parish Council did ask me to obtain details of the impending arrival of an IKEA store in South Ribble. Can you give me details please</p>	<p>Comments Noted. Request for information passed to Development Management Team.</p>

Reference	Comments	Councils Response
4	<p>Dear South Ribble Planning Policy Team</p> <p>I refer to your consultation on the draft Green Belt Infill SPD and the draft Central Lancashire Employment Skills SPD.</p> <p>The latter would appear to have no major direct significance for nature conservation so we have no comment.</p>	Comments Noted.
5	<p>What a ridiculous waste of time!</p> <p>I thought we were meant to be removing unnecessary bureaucracy. Statement just seems to be an excuse to employ additional policy officers who generate nonsense paperwork to justify their own existence.</p> <p>*****email sent to Mr Welbank asking for further comments*****</p> <p>Good Afternoon Mr Welbank,</p> <p>My colleagues and I were extremely disappointed with the contents of your consultation response below, particularly given it's from a fellow professional operating a business in the area.</p> <p>In accordance with the relevant regulations, at the end of the consultation process we are required to publish a report including all responses and the authority's response to the points raised. In view of this we wondered whether on reflection you wished to review your response?</p> <p>The entirely laudable aims of the SPD to ensure the right education, skills and training are in place to support the continued economic growth of the region, were given even greater legitimacy in the Government White Paper 'Fixing our Broken Housing Market', final paragraph of page 16, which was published this week. It states with respect to businesses:</p> <p>"Critically, we also expect them to take responsibility for investing in their research and skills base to create more sustainable career paths and genuinely bring forward thousands of new skilled roles"</p> <p>I look forward to hearing your response to the above.</p> <p>*****reply to clarification email*****</p> <p>Mr Brown (South Ribble Borough Council)</p> <p>Further to your email I find it quite amusing that your department only seems to require positive</p>	<p>This response fails to appreciate or acknowledge the extensive work that is carried out and the knowledge that the Economic/Policy Teams possess across the three authorities within this topic area. This SPD seeks to build upon the existing work. We believe that land use planning and the aspirations of the SPD are inextricably linked in this respect. It is noted that the Construction Industry Training Board strongly support the SPD.</p>

Reference	Comments	Councils Response
	<p>feedback on consultations and not negative ones. Is it policy to contact all negative responses and ask that they be withdrawn?</p> <p>Does the planning policy team really believe that they know more about skills development than actual real businesses?</p> <p>All you are actually doing is getting businesses to produce another long winded, costly tick box report that satisfies a planning regime that is completely out of touch with its primary role of land use planning.</p> <p>Rather than encouraging economic activity the plethora of nonsensical, often out of date planning documents that are being produced are simply slowing up, and in some cases discouraging businesses from locating in the area.</p> <p>Please keep my original response on the consultation, including your request to withdraw and this response.</p>	
6	<p>Adlington Town Council considers that the proposal to introduce a Skills Statement into the planning process is a step in the right direction, and hopes that the provision of these will carry weight in the decision making process.</p>	Support Noted.
8	<p>I refer to the consultation on the draft Green Belt Infill SPD and also the draft Central Lancashire Employment Skills SPD. Farington Parish Council gave consideration to both these draft documents at their meeting held on 13 February 2017 and agreed that they support both these SPDs and welcome the clarification with regard to procedure.</p>	Support Noted.
26	<p>I am writing to provide comments on behalf of Orbit Investments (Properties) Ltd regarding the above.</p> <p>Orbit, part of the Emerson Group, one of the largest privately owned property development and investment companies in the UK, own a development site at Buckshaw Village, adjacent to Buckshaw Parkway railway station.</p> <p>Having considered the Draft Central Lancashire Employment Skills SPD, Orbit request that the following comments are taken into account when finalising the SPD.</p> <p>13. When a statement be required (p.7) Orbit object to the requirement to submit and Employment Skills Statement on commercial applications exceeding 1000sqm. Orbit consider this threshold to be too low and believe that it will unnecessarily increase the burden upon small and medium scale development, which is not in accordance with NPPF Para 153, which states: "Supplementary Planning Documents should be used where they can help applicants make</p>	<p>The plan will be bespoke for the scale of development proposed and the content can be discussed through the pre-application process. Therefore this would accord with Orbit's suggestion that the information presented is proportionate and on a sliding scale. We don't see this as a financial burden it is more a case of rationalising existing behaviours</p> <p>The driving force behind this SPD is about creating a cede change of behaviour and if the floorspace threshold is set at the level suggested i.e. 10,000 Sqm it will apply to a very limited number of developments to such an extent it would totally undermine the purpose of introducing the SPD. For example, a number of years may pass between applications</p>

Reference	Comments	Councils Response
	<p>successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens on development".</p> <p>Orbit therefore recommend that a threshold of 10,00sqm would be more appropriate.</p> <p>14. What Will the Statement Cover? Orbit object to the lack of proportionate interpretation of the proposed SPD requirements, which as worded, appears to apply equally to all applications submitted above the threshold. This is contrary to NPPF para 193, which states</p> <p>"Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local Planning Authorities should only request supporting information that is relevant, necessary and material to the application in question.</p> <p>Orbit therefore request that the information requirements be applied proportionately on a sliding scale, with only the very largest development providing the full range of information.</p>	<p>of this scale in each of the three Boroughs.</p> <p>NPPF Paragraph 193 – this should not be seen as a burden on the development, its intention is to assist delivery by seeking to ensure or least help delivery by promoting training and skills. The requirement will form part of the validation checklist.</p>
27	<p>Grimsargh Parish Council considered the above consultation document at their recent Parish Council meeting and agreed to comment that they support this SPD and the clarification of policy in relation to planning applications and employment skills statements.</p>	<p>Comments noted.</p>
28	<p>In response to the Employment Skills SPD consultation, Whittingham and Woodplumpton Parish Councils made similar comments as detailed below.</p> <p>Members RESOLVED to support the principle of the Skills Statement as it encourages developers to consider the creation of apprenticeships, links with schools and colleges, use of local suppliers and help with community based projects – however, Members questioned whether the developer is obliged to actually provide any of the items listed in the Skill Statement and given the limited resources available to the City Council, will officers be in a position to monitor compliance and if the developer doesn't comply once development commences, what action, if any, will be taken?</p> <p>If the SPD is adopted, Members request that the Skills Statements are included on the City Council website so that local input can be provided when responding to the application consultation.</p> <p>Members also request a written reply to the points in bold above so that the Parish Council can be certain that it is a worthwhile exercise submitting comments on the Skills Statements.</p>	<p>Comments Noted.</p> <p>Resources will be made available to monitor the submitted statements. This SPD seeks to encourage a cede change of behaviour and we would be looking to 'encourage' compliance rather than taking 'enforcement action' as such.</p> <p>The SPD will be displayed on websites and the requirement for a 'statement' will be set out in the validation checklists of the three councils</p>

Reference	Comments	Councils Response
29	Thank you for your consultation on the Central Lancashire Employment Skills SPD, having reviewed the document the Canal and River Trust have no comments to make.	Comments Noted.
30	Thank you for consulting us on the above Supplementary Planning Document. We have reviewed the draft document in relation to our remit and we have no comments to make.	Comments Noted.

2. Schedule of Responses to Publication of Responses Report - Wednesday 28 June to Wednesday 26 July 2017 consultation

Central Lancashire Employment Skills Supplementary Planning Document

A further 4 Responses received and Councils Response is shown below:

Response Number	Response	Councils Response
1	<p>The subject of this draft Supplementary Planning Document for the Central Lancashire planning authorities lies out with my core remit and expertise, and I offered no comment on the original consultation for that reason.</p> <p>However, I'm copying in colleagues who are more specifically engaged in our role as charitable sector employers as this <i>may</i> be of interest to them.</p>	Comments Noted
2	<p>Great, thank you. I've attached some information about the Shared Apprenticeship Service that we run on behalf of CITB across the North West. If any contractors are concerned about how they can support local apprenticeships, especially on short term work packages, this might help them. Good luck with the consultation. If you need anything from me, please let me know.</p>	Comments Noted
3	<p>Historic England do not have any additional comments to make on the responses report.</p>	Comments Noted
4	<p>We have previously submitted comments (to assist) regarding this SPD so do not propose submitting further: please rely upon our previous submission.</p>	Comments Noted

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